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# East India (Constitutional Reforms)

# REPORT

OF THE

# Reforms Enquiry Committee, 1924, appointed by the Government of India, and connected papers.

*Presented to Parliament by Command of His Majesty.*

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1925.

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The Evidence, written and oral, given before the Committee (Appendices 5 and 6 to the Report) is printed in the non-Parliamentary Series of Official Publications, as stated below, and can be purchased from H.M. Stationery Office at the addresses shown on the cover.

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# Report of the Reforms Enquiry Committee

1924

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# REFORMS ENQUIRY COMMITTEE.

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The Hon'ble Sir ALEXANDER MUDDIMAN, KT., C.S.I., C.I.E.

*Members:*

The Hon'ble Dr. Mian Sir MUHAMMAD SHAFI, K.C.S.I., C.I.E.

Maharajadhiraja Sir BIJAY CHAND MAHTAB, Bahadur, G.C.I.E., K.C.S.I., I.O.M., of Burdwan.

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*Note.*—The total expenditure incurred by the Committee, including expenditure on printing, will be about Rs. 46,000.

# REPORT.

TO HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

YOUR EXCELLENCY,

We have the honour to submit, for Your Excellency's consideration, our report on the working of the Reformed Constitution.

2. The terms of reference to us were as follows :—

(1) to enquire into the difficulties arising from, or defects inherent in, the working of the Government of India Act and the Rules thereunder in regard to the Central Government and the Governments of Governors' provinces; and

(2) to investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistent with the structure, policy and purpose of the Act,

(*a*) by action taken under the Act and the Rules, or

(*b*) by such amendments of the Act as appear necessary to rectify any administrative imperfections.

The first clause of these terms of reference is very wide and invites us to consider any difficulties or defects inherent in the working of the Government of India Act and the Rules thereunder. The second clause is on the other hand distinctly restrictive and prevents us from recommending any remedies which are inconsistent with the structure, policy and purpose of the Act, whether such remedies are to be found by action within the scope of the Act or by amendments of the Act itself.

3. We assembled in Simla on the 4th August 1924. Our business was interrupted by the September meetings of the Indian legislature and by the Pujah holidays. We re-assembled again in Simla on the 16th October, holding meetings until the 25th October, and our final meetings were held in Delhi between the 24th November and the 3rd December 1924.

## PART I

### EVIDENCE.

4. The Government of India placed before us a Memorandum on the legal and constitutional possibilities of advance within the Government of India Act, a copy of which we have annexed to this report (Appendix No. 2). It will be seen that this Memorandum indicates generally the scope and extent of the recommendations which can be made for action under the Act and the Rules.

5. The Government of India also placed before us reports received from local governments in 1923, containing a survey of the operation of the reformed constitution in the provinces up to that date, and further reports from local governments received in 1924 which continued the survey up to the middle of this year and also dealt specifically with the questions which have been referred to us. These must almost necessarily be read as connected papers with this report, and we consider therefore that it will be unnecessary to insert therein a detailed survey of the operation of the reformed constitution in the provinces up to date. We shall refer later to any specific proposals which have been made in the reports of local governments and in their enclosures. We propose at this stage to summarize briefly the views contained in these reports on certain general considerations.

Atmosphere.

6. The present constitution came into operation at the beginning of 1921. It has thus not yet been in operation for four years. We are required now to report upon its working, but it may be argued that the period for which it has actually been in force is too short to afford sufficient experience for a well founded analysis. Several local governments have referred to this as a difficulty in the way of arriving at conclusions which they say is enhanced by the atmosphere in which the constitution has been worked, which resulted, *inter alia*, in the abstention from any participation in the reforms of a number of leaders of Indian opinion. The Government of Bombay say that the successful working of the Act depends to a large degree upon the spirit in which it is worked by all parties. The education of the electorate has been retarded by the non-co-operation movement. The evil influence of that movement is declining, but it diverted for three years the main stream of political activity from any endeavour to work the new legislative council. The Government of the United Provinces say that the reforms were launched in circumstances of exceptional difficulty. They refer to the causes which led to the non-co-operation and the closely associated Khilafat movements and to the severe strain

placed upon the constitution during the period when these movements were at their height. The Government of the Punjab suggest that the present experiment has been conducted in circumstances so adverse to its success that no decision and perhaps no really just deduction could be drawn from it. The Government of Bihar and Orissa also refer to the difficulties due to the fact that the reforms were introduced in an atmosphere prejudicial to their successful operation. Throughout their course the footsteps of the reforms have been dogged by the growing hostility against the Government in power raised by the non-co-operation movement. That movement may have failed in its definite boycott aims, but it has not failed in the generation of hatred and disrespect of authority. It deprived the first legislative councils of the interest and credit which they might have won from the public in normal conditions; it kept their members in a state of nervous dread of the political agitation outside; and where the embargo on council entry has now been removed it has resulted in the return of councils which have threatened to render the reforms unworkable. Finally the Government of Assam state that one of the important respects in which the expectations of the framers of the reforms scheme have been falsified is the fact that a section of public men, considerable enough in numbers and ability to influence the councils, is actively hostile to the present constitution and declines to work it as reasonable men. We consider it unnecessary for us to emphasize the great importance which should be attached to the observations of the local governments which we have summarized in this paragraph.

7. We proceed now to summarize the general views of each local government upon the working of the reforms.

Views of the Madras Government.

8. The Madras Government report that the transitional constitution has worked with a considerable measure of success in Madras. Some progress has been made towards the understanding of the system of parliamentary government both by the representatives returned to the council and by those who exercised the vote; political education has begun, and the population, both urban and rural, has become more articulate and to some extent more conscious of the meaning and value of the vote. It cannot be said that there are yet apparent signs of the division of parties according to political principles apart from the communal question and perhaps the theory of indiscriminate opposition to all proposals of the government. Even among the politician class the formation of independent groups is not so much due to differences of political principle as to communal considerations or the personal influence of individuals. Among the general body of the electorate personalities count more than principles. There is no lack of general political 'planks' in election manifestoes, but it is difficult to discern

differences such as indicate in more politically advanced countries the real existence of political parties. The Ministers at a time of grave unrest have been able to steady public opinion and feeling, and their moderation has enabled them to refrain from rash and doctrinaire experiments. It is probably too soon to speak of the result of the changes as affecting the various branches of the administration, though probably the standard of efficiency in some departments has been lowered. The Governor in Council concludes that, if an earnest endeavour to work on constitutional lines is a qualification for political advance, the Madras Presidency has shown itself fitter for an advance than any other province. The Madras Ministers, however, attach no importance to minor alterations of the Act and Rules, and they insist that there should now be a complete transfer of all provincial subjects. The Governor in Council is inclined to doubt whether opinion in favour of complete transfer is as unanimous as the Ministers have been led to believe, and he is not prepared to agree that the time for it has yet come.

Views of the Bombay Government.

9. The Bombay Government say that there were no organized parties in the first council, and that therefore there could be no organized support of the Ministers. In the present council the Swarajist party is the only non-official party united by bonds other than communal. It is the strongest in numbers but does not command a majority, and it is pledged to a policy of refusal of political responsibility. The Ministers were therefore necessarily selected from the smaller groups, and this is the first and most important cause of the weakness of their present position. Having no adequate support from their followers they are obliged to rely largely for support upon the official vote, and accordingly the distinction between the two halves of the government is obscured. Further, a large section of the House is parochial in its outlook, and, as decisions depend upon the votes of this section, they are apt to be fortuitous in matters which are beyond the parochial outlook. Progress in parliamentary government has thus been retarded, but some progress has been made. The first stage in the path to responsible government should have been the development of self-governing institutions in the departments already transferred to the Ministry, and this stage has not yet been fully reached. The electorate has yet to learn the importance of returning representatives with a real sense of political responsibility for the welfare of the various peoples of the Presidency. It will be practically impossible to proceed to further stages until this lesson has been learnt. The Bombay Government are of opinion that the main object at present should be to strengthen the position of the Ministers and to encourage the organisation of parties. There is no other road to genuine parliamentary government. The Government do not therefore consider, though in this

matter the Indian members of the Council dissent, that the stage which would justify any fundamental change in the body of the Act has been reached. The Indian Members consider that full autonomy should be immediately granted to the provincial governments, but the majority of the Government holds that effective safeguards would be required in certain essential matters, and there are many other matters which would need the strictest examination before such a drastic measure could be introduced for any provincial government. A satisfactory settlement would require repeated meetings of representatives of the central and provincial governments and an eventual reference to a Royal Commission, and the majority is of opinion that the time for such a reference has not yet arrived. The Government express their decided view that some definite declaration of policy which is to endure for some years is required. With such a declaration provincial governments will be able to go forward secure in the knowledge that their efforts to improve the welfare of the people on clearly defined lines will have that success which a continuity of sound policy ensures.

Views of the Bengal Government.

10. The Bengal Government say that the obstacle which is the root of all the difficulty in working the transitional constitution is the Indian conception of the government as something in which the people have no share or responsibility, and which it is therefore the duty of every progressive politician to criticise and oppose. It is of the first necessity that the elected members should realise their powers and use them. As matters stand, there is no party with a real constructive programme. The Ministers are left to evolve a policy in the time at their disposal and this the members proceed to criticise. These members have, however, no policy to put in its place, and, if the Ministers were replaced by others, the position would be just the same. The council has thus failed to grasp its power to make the government and by supporting it to carry through the schemes which it considers would be beneficial to the country. In the first council progress was made and some solid achievements were recorded. The Ministers also were able to influence a sufficient number of the members to make it possible, with the aid of officials, to carry through a considerable amount of useful legislation. The second council contains a large and influential body belonging to the non-co-operation party which is pledged to prove that the present constitution is unworkable. This body was joined by the independents, and the combined party commands more than 60 votes in a House of a total strength of 140. The majority of the educated classes in Bengal desire provincial autonomy as early as possible, and the difference between the two sections is merely one of method. The Swarajists, as a branch of the non-co-operation party, are fully prepared to use such weapons as social boycott and

are not above resorting to methods of terrorism, while the more cautious section of the educated classes stand to incur unpopularity if they even appear to support government. It is therefore not unlikely that at the next general election there will be a return of an absolute Swarajist majority which may take office with the avowed intention of wrecking the government from within. The constitution therefore requires to be specially considered from the point of view of giving the executive power to deal with obstruction. Apart from certain alterations to meet difficulties in the working of the Act and rules the Governor in Council would strongly oppose any attempt to modify the constitution or to alter the existing arrangements as regards reserved and transferred subjects.

Views of the United Provinces Government.

11. The Government of the United Provinces say that it is constantly alleged by their enemies and critics that the reforms have failed. They say that, if this means that the constitution has definitely broken down, the statement must be emphatically denied. Since the collapse in its original form of the non-co-operation movement the internal conditions of the province have steadily improved, and, except for the tension between Muslims and Hindus, there is now nothing to cause its government serious anxiety. Forty-seven millions of people are living peaceably under an ordered and progressive administration and are probably more prosperous than their predecessors have ever been. The reformed constitution has failed to satisfy both the Swarajists and the Liberals, and this constitutes the principal cause for anxiety. The Governor in Council cannot, however, admit that the attitude of the educated classes is the sole test by which the reforms must be judged. He is fully alive to the difficulties and defects inherent in or arising out of the present constitution; but he believes that they lie in directions, and that they point to conclusions, very different from those which its critics have in view when they ingeminate its failure.

Continuation of views of the United Provinces Government.

12. The division of subjects into reserved and transferred was in practice far from complete. On the reserved side the Governor has in the last resort power to enforce his views, but the constant exercise of the power would force a deadlock, and the Governor in Council has often therefore to defer to the wishes of a legislature which is inexperienced and liable to be influenced by sentiment or prejudice. A policy of rigid economy has been pursued during the last two years, mainly at the expense of the reserved side of the administration, and it is impossible to ignore the fact that the financial control exercised by the council has seriously constricted the administration of reserved subjects

which are those on which the conditions of any civilized government depend. Turning to the transferred side the policy of extending the principles of self-government in regard to local bodies has been adopted, and the result has been to deprive government of effective control. The Ministers have adhered to the accepted policy of letting the self-governing bodies learn by their own mistakes. Within these limits the Ministers have sought to guide local bodies in the right direction, but of the actual fact of deterioration the Governor in Council entertains no doubt. The change is not confined to local bodies. The universities impelled by financial pressure have begun to compete for students, and the easier they make their courses and examinations the more likely are they to be successful. This reacts on secondary education, and in primary education there has been little progress despite a great increase in expenditure. In the medical sphere there is a disposition on the part of the council to look askance at the Indian Medical Service, and the dislike of the Indian Subordinate Medical Department is unconcealed. There is also a tendency in the council to foster the practice of what western opinion can only regard as unscientific systems of medicine. In many respects these changes doubtless have the support of Indian opinion; but the Governor in Council cannot regard them as really making for the health or happiness of the people. The Ministers themselves have been working loyally and energetically; and they cannot be held responsible for these results which depend mainly upon the general conditions in which their work has been done.

Conclusion of views of the United Provinces Government.

13. Though he fears that this may expose him to misrepresentation and misunderstanding, the Governor in Council of the United Provinces considers it is essential to get down to root conditions. Ministers and legislators have acquired some acquaintance with the practical difficulties of administration, but political development is still in the most elementary stage. The electors do not recognise that the legislature is their representative, and practically no attempt has been made by any party to educate them in their duties and responsibilities. The electors are mainly members of an illiterate peasantry with many virtues but not many of the qualities out of which the controlling power of parliamentary governments is made. From force of circumstances they are pre-occupied with the difficulties of physical existence, responsive to the claims of their caste or community, passionately attached to their holdings, resentful of interference and oppression, but indifferent to any larger issue save religion, and religion in India is a disruptive force. The relations between the Hindu and Muslim communities are, it is to be feared, decidedly worse than they were 25 or even 5 years ago. As self-government has drawn nearer, the Hindu has become filled with alarm by the more rapid

increase of Muhammadans, their greater virility and the tendency of some of them to look for support to powers outside India. The Muhammadans know they are outdistanced both in wealth and education and fear Swaraj will mean a Hindu rule. The more farseeing politicians see that without a genuine union Swaraj is impossible, but there are few signs of a common patriotism capable of dominating sectarian animosities. In the legislature well organised parties (except for the Swarajist) are non-existent; the interplay of personal factors is incessant; and the formation of stable combinations is impeded by the cross divisions of race, religion and interest. There is no large body of impartial opinion upon which the Minister can rely, and he can rarely take a strong line in opposition to any substantial or clamant section. In short, though this is certainly not surprising, neither the principle of responsibility to the electorate nor the principle of party cohesion has been established in any strength. These are the real obstacles to any rapid political advance, such as the Indian Nationalist desires, and they cannot be removed by any alterations in the details of the Act or rules. The Governor in Council says that dyarchy is obviously a cumbrous, complex, confused system, having no logical basis, rooted in compromise and defensible only as a transitional expedient. It is, however, not an accidental feature but the very essence of the policy deliberately embodied in the Act and the rules framed thereunder. The difficulties and defects inherent in it are quite incurable by any mere alteration of the Act or rules. The utmost such changes could do, if the structure of the constitution is to be maintained, would be to oil the wheels of the constitutional machinery.

The Governor in Council concludes that the answer to the whole enquiry may be summed up in the statement that there is no halfway house between the present and the new constitution. He expresses no opinion on the demand for the latter, but he is clear that concessions which fall short of complete provincial autonomy will placate no section of the opponents of the existing system; that they will secure neither stability nor contentment; and that they will lower the efficiency, already impaired, of the administration.

Views of the Punjab Government.

14. The Punjab Government point to the difficulties which faced the authors of the reforms scheme owing to the division of India into areas widely differing not only in social and temperamental characteristics, but at markedly different stages of political development. At the inception of the reforms the Punjab was an area in which administrative considerations must have appeared to the great mass of the inhabitants to outweigh those connected with political developments.

The executive government was absorbed by pressing administrative problems arising from the rapid material advance of the province. These changes in the conditions of life reacted politically in two directions :—

(i) in the sentiments of apprehension and even hostility entertained by the agriculturists against the monied and urban interests which tended towards the organisation of prejudices and interests and therefore to form a basis of political parties; and

(ii) in the intensification of thought on religious or communal lines.

A portion of the Hindu political element clearly welcomed the reforms as likely to afford them an opportunity of confirming a position gained by superior education and capacity in the use of political methods. It is doubtful whether the Muhammadans at large or the agricultural community were at that time entirely aware of the opportunities which the reforms would give them for developing their own interests. The authors of the scheme certainly could not have foreseen the speed with which its working would drive the two main communities into open dissension and would develop antagonism between the urban and rural interests. The agitation of the extreme section of the Sikhs may also be referred to in this connection, though the local government consider this cannot correctly be attributed directly to the reforms. The movement for the reform of the Sikh shrines was only one element in a larger agitation. It secured the unquestioning allegiance of the Sikh peasantry, and this success placed the extreme section of the Sikhs in funds for their campaign. This section recognised the political and numerical inferiority of the Sikhs and hoped to secure by direct pressure what they could not obtain by the ballot; possibly they looked further ahead and hoped to consolidate their position in time to be able to take full advantage of the breakdown of authority which they thought might follow the reduction of British influence in the administration.

Continuation of views of the Punjab Government.

15. The immediate aim of the reforms was to arouse political consciousness by constituting and training an electorate and its representatives. There is not as yet evidence of the existence of a thinking and selective electorate in the Punjab, capable of exercising its vote on considerations of policy. The figures do not argue any undue apathy on the part of the electors : in the election of 1920 the percentage of electors voting was low owing to the prevalence of non-co-operation doctrines, but in the second general election 49 per cent. of the electors recorded their votes. There is, however, little evidence of that close touch between representatives and electors which constitutes the vitality of a representative system. The election address is practically unknown; the

constituency judges of the personality rather than the programme of the candidate. The representative seldom, if ever, addresses his electors or canvasses their view on any project of legislation before the council. In regard to the evidence as to the development of responsibility in the council whilst certain charges mentioned in their report can be levelled against the first council the balance of the whole of its account is not to its discredit.

In regard to administration the grave increase in crime should be attributed to economic and other causes and not to the reforms. The failure in many districts to maintain previous administrative standards is only indirectly due to the reforms. It is due to—

(i) the loss of a large number of efficient officers by retirement on proportionate pensions whose place will not be effectively filled by junior officers for some years; and

(ii) the loss of efficiency due to the increasing financial difficulties of officers and to the decline of enthusiasm owing to the removal of much interesting and constructive work from the hands of the District Officers to, for example, local bodies.

In both these causes the reforms must take their share.

On the transferred side the experience gained has not been sufficient to afford confirmation of any feeling that deterioration has taken place. The executive remains the same as before the reforms. The main criticism which is made against the departments administering the transferred subjects is that the Ministry of Education has subordinated the interests of its departments to the support of the communal interests of Muhammadans. It was not unreasonable that the Minister should attempt to secure definite opportunities to the community which constitutes his chief support in the council. The further progress of the tendency must, however, be watched with some care in the interests of the reforms. All communities feel that it is incumbent on them to strengthen and consolidate their own position in anticipation of the possible withdrawal of British authority. In the long run, however, nothing is so likely to produce failure in the working of representative institutions as the inopportune and inconsiderate use by one community of its voting power over others. For the moment, there is every justification for the attempt of a majority community, backward in education and political status, to raise itself to the level of its rivals. Real harm will only be done if that community passes from the constructive task of securing its position to the destructive process of denying equal opportunities to other communities.

Conclusion of views of Punjab Government.

16. Turning to other points the local government say that whatever feelings may be entertained in political circles in favour of the development of "provincial autonomy"—the implications of which have been so little explored or understood—few acquainted with the administrative needs of the country will contest the need for central control in all essential matters. The difficulties in this respect have been due rather to the application of the control than to the principle. So far as internal affairs are concerned it has been impossible in practice to treat the formal division of subjects between reserved and transferred as constituting clear cut spheres of work. In the Punjab, for example, the transferred subjects of "Religious and Charitable Endowments" and "Excise" have been found to be intimately connected with the reserved subjects which are usually referred to under the comprehensive title of "Law and Order." The dyarchical scheme necessarily contains anomalies, and it cannot be contended that the Punjab offered a really suitable field for the introduction of a divided responsibility. So far Ministers willing to co-operate with the executive have been found who have been supported by a party which has not attempted to force them into an extreme position. In other circumstances the complications arising from the reaction of transferred on reserved subjects might constitute a serious danger to the administration. The main object of the present discussion is not the establishment of provincial autonomy. An impartial observer might reasonably object to the transfer of any further subject until the limitations which must be set on the absolute autonomy of the provinces have been adequately explored. In fact the advocates of complete independence of parliamentary control have not foreseen the inevitable results in the creation in India of virtually independent and antagonistic units controlled neither by a central executive nor by a central legislature which must be shorn of its powers by the natural process under which legislative follows administrative independence. In the Punjab, indeed, judging by the attitude of the press, which is subject to Hindu control, there is so little effective demand for further transfers as to create a suspicion that there would be some gratification if the transfer of certain subjects were revoked. At least constant efforts are made to persuade the Governor to control the Ministry in order to safeguard the communal interests of the minority in the council.

Views of the Burma Government.

17. The reforms were introduced in Burma two years later than in the other provinces in India. The Government of Burma have therefore reported with much less experience of the working of the constitution, even than that of the Governments of the

remaining provinces. They say that less than seven per cent. of the electorate voted at the only general election held, which was boycotted by the extremists. So far as the Governor in Council is aware, no member of the legislature has addressed his electors on the problems of the day, and but few have attempted to establish between themselves and their constituents that relation which exists in countries where parliamentary institutions flourish. There has been valuable training of the members of the legislature, but the electorate as a whole stands much where it did before the introduction of the reforms. The Governor in Council concludes that during the 18 months in which the reforms have been in operation hardly any difficulties have been experienced and hardly any defects discovered in the working of the constitution.

Views of the Bihar and Orissa Government.

18. The Government of Bihar and Orissa have forwarded a summary of certain general aspects of the second general election made by the officer who supervised the arrangements for it. He says that public meetings were almost unknown; political canvas was almost entirely the canvas of leading residents, zemindars and lawyers; election addresses were issued in some places but not broadcast; and handbills containing no argument and no explanation of the political position were the commonest form of appeal. He says one may search in vain for signs that three years of the reforms has educated the electorate to the meaning of an election and the business of a legislature. From every district the reports of the presiding officers declare that a large proportion of the voters did not know the name of the candidate for whom they voted, but had only been told the colour of his box. In the standing of the Swarajist candidates for election we have the first signs of the formation of a party system. The candidates were personally of little standing, but they had some notion of organising an ignorant electorate on party lines to vote against the government. They have, however, revealed the amazing credulity and ignorance in the electorate which has to be overcome. The candidates have attributed to their opponents responsibility for raising the price of post-cards, salt, oil, cloth and all the other necessaries of life; they have promised to effect a millennium of no rent and no taxes; and they have exploited the superstition of the masses in regard to the colour of the voting boxes.

Turning to more general questions, the Bihar and Orissa Government include amongst the causes which have contributed to the non-success of the reforms the failure to create a Ministerial party prepared to support the Ministers in carrying out a definite programme. The constitutional structure has been borrowed from

England, but the foundation essential to carry it is lacking in India. This has made the position of the reserved side particularly difficult. The council still remains divided into two parties, officials and non-officials. Where the issue is not an anti-government one, Ministers have their following in council, but they cannot bring this to bear on political issues and cannot therefore assist government in times of difficulty. Another cause is the general political inexperience of the country and the reluctance of the average Indian members to face personal opposition or unpopularity.

In conclusion the local government say there is very little that can be done to smooth the working of dyarchy or to eliminate the different administrative imperfections. If a further step is contemplated, on what grounds is it to be taken? If the object is to pacify at all costs our clamant critics the few minor remedies suggested will not influence them one jot or tittle; they will be satisfied with nothing less than the disappearance of dyarchy and the substitution therefor of provincial autonomy.

Views of the Central Provinces Government.

19. The Central Provinces Government say that the value of the experiment in responsible government during the first council was weakened, firstly, by the lack of connection between the members and their constituents, secondly, by the absence of any party organization which would have made the responsibility of Ministers to the council effective; and, thirdly, by lack of funds. The fair measure of success in the working of dyarchy which was achieved was due partly to the moderation of the council and partly to the efforts made to work the scheme by the Members of Government and the permanent services.

The basis of the reforms was the gradual training of the electorate by the exercise of responsibilities proportionate to their capacity for the time being. The political education of the electorate must be a slow and difficult process, and in the Central Provinces the education given to it during the first council was very small indeed. At the second general election Swaraj was put before the electorate as a vague millennium. The Swarajists made no attempt to explain their policy of obstruction to the bulk of the voters; and in very few of their speeches or broadsheets was the pledge to abolish dyarchy made. The local government refer to the immensity of the problem in the Central Provinces. Even in local affairs the voters with every advantage of local knowledge have not yet learnt the value of their vote and make no effort to control their representatives in matters vitally affecting their interests. For the local legislature the franchise covers about 1·1 per cent. of the total population most of them illiterate. A period of four years is far too short a time in which to expect the growth of political ideas in an electorate so handicapped by

illiteracy and general lack of the political sense as that of the Central Provinces. The Governor in Council therefore considers it would be premature, until the electorate gives evidence of an active and intelligent use of the franchise to make any further advance in the direction of responsible government.

Views of the Assam Government.

20. Finally, the Assam Government say that the new council contains an organised Nationalist party comprising approximately one half the elected members with a Swarajist nucleus and leader. Outside this party there was neither at the elections nor is there in the council any party organization. Many of these other members, however, are in many respects more inclined to oppose government than to support it. It is regrettable that the acceptance of office by the Ministers and the indication of a genuine attempt on their part to work the existing constitution are sufficient to alienate from them the good will of the council as a whole and to deprive them of the influence which they exercised as private members. The difficulty of the position is aggravated by the fact that the Swarajist party in Assam draws its inspiration from the all-India leaders who have made it clear that their object is the early establishment of Dominion Home Rule, and in face of this larger issue provincial autonomy is a minor and subsidiary proposition. One of the main causes of the present trouble is the failure to realise the anticipation of the authors of the reforms that reasonable men would conduct themselves in a reasonable manner in a spirit of compromise and co-operation. A considerable section of the council is openly hostile to the present constitution and is indisposed to consider the proposals of government on their merits. No regard is paid to the dictum of the Joint Committee that the Governor's power of restoring demands on the reserved side was intended to be real, and that its exercise should not be regarded as unusual or arbitrary. On the contrary the use of the power leads to declarations that the reforms are a sham and the powers of the council illusory. The dangers of such an agitation among an uninstructed electorate and an ignorant population are obvious.

The Governor in Council sums up the difficulty of working the constitution as due, firstly, to the existence of a section of public men, considerable enough in numbers and ability to influence the council, which is actively hostile to the present constitution and declines to work it; and secondly, to the financial difficulties which have precluded the local government from undertaking any activities other than carrying on the essential administrative functions on pre-existing lines. The Ministers have thus no convincing answer to the cry of their opponents that the reforms have bestowed no benefits on the electors. With such an improvement in the financial position as would place the Ministers in a position to carry out schemes of public utility and thus enable

them to consolidate their position with the electorate, there is a reasonable prospect, at least in Assam, that reasonable men prepared to work the constitution in a reasonable spirit would command a majority in the council and would in due course be able to justify a further substantial advance towards responsible government. Without this, palliatives like the transfer of further subjects will have little effect in improving the situation.

Views of dissenting Members of Council and Ministers.

21. In the foregoing summary of their reports we have referred to the views of the Governors in Council. In some cases these views were not shared by all the Members of Council, and the Ministers frequently did not support the views accepted by the Governors in Council. We proceed, therefore, to summarise briefly the views urged in the enclosures to the reports of the local governments by the dissenting Members of Council and Ministers who were in office at the time when the reports were made.

(*a*) No Member of Council in the Madras Presidency dissented from the views of that Government. Two Ministers, Sir A. P. Patro and Mr. Ramarayaningar, however, annexed memoranda to the local government's report, and the latter Minister also on a later date forwarded a criticism of the picture given by the local government of the working of the constitution. Sir A. P. Patro states that the opposition in the council must subject all governmental measures to effective criticism. On the reserved side, however, criticism may only consist in giving advice and making recommendations, and the sense of powerlessness over the reserved subjects leads to a sense of irritation and despair. It is a tribute to the commonsense of the members that they did not make extreme or illegitimate demands on the Reserved Departments. There is now a strong determination of all parties to obtain an effective voice in the administration of the reserved subjects. The position of the Ministers has, therefore, become very serious. Are they to vote with the reserved half or are they to carry out the will of the majority of the council? On the other hand if the Ministers vote against the reserved subjects the administration of those subjects becomes very difficult. The test of political responsibility lies in the amount of assistance which the council will accord to the administration of law and order. In Madras the council fully realised its responsibility in this respect during the most critical times. So long, however, as it is a reserved subject the council will not have full confidence, and its administration becomes more difficult. The council does represent public opinion and further does a good deal to create it. The relations between the members and their constituencies in the party supporting the Ministry have been more or less closely preserved by a series of conferences. The work of the council also started on a kind of party system. The dyarchical system, however, has had the best trial in Madras, its

difficulties are now known, and it is necessary that all provincial subjects should be brought under the control of the council with the reservation that in the cases of law and order and finance residuary powers to meet emergencies should be given to the Governor. A special member should also be appointed as Deputy Governor to administer central subjects.

Mr. Ramarayaningar says there is no doubt that the reformed councils are an improvement over their predecessors as they have the people behind them and are capable of doing a great deal effectively either for good or for bad. In spite of several defects in the constitution the Madras Government fared well, and this was much to the credit of the Governor. The constitution has become complicated and difficult to work. The three years which has elapsed has given the experience expected from the ten years period, and, knowing that the transitional stage is attended with serious risks, it is no use keeping to that stage. The political consciousness of the masses has been roused, and they are prepared to run risks to gain political advantages. A return to the pre-reform position is impossible. The only course open is to go forward. All subjects must be transferred to the control of the council with the retention of residuary powers in the Governor in the cases of finance and law and order. Madras has worked the reforms fairly satisfactorily and must have its reward. It is no exaggeration to say that in every Transferred Department, Madras has been able to advance rapidly, and the advance would have been more marked, if the contribution under the Meston Award had been foregone.

(*b*) The two Indian Members of the Bombay Government dissented in some respects from the views of the local government, and the Ministers have endorsed the views of the Indian Members of Council. They say it cannot be contended that even in 1929 full responsibility cannot be contemplated because in the meantime more subjects have not been transferred. When the reforms were introduced the country was divided into two main camps; one was composed of the non-co-operators, who regard the reforms as a sham, and the other, while not fully satisfied, were nevertheless prepared to work them as far as possible. The Act has not been put into practice in the spirit in which it was drafted or worked in the way in which it was intended. It can hardly be said that there has been actual and full control of the Transferred Departments by the Ministers and the council. The forming of parties under a system of dyarchy, whereby the Minister is placed under the dual control of the council and of the Governor, is impracticable. The entry of the Swarajist party prevented the formation of a Ministerial party. In the present circumstances there can be only two parties, the government party, consisting of Executive Members, the Ministers and official members, which

is the party in power, and the opposition, part of which supports government when it suits its purpose to do so. No palliatives will be of any effect, and the creation of an authority to control the government in the shape of a responsible elected council can only be achieved by the grant of full responsibility in the provinces. A Royal Commission will be necessary to decide—

(i) the relations of the provincial and central governments;

(ii) the provision required for the protection from party politics of all the services by means of a Public Service Commission; and

(iii) the provision required for the due security of provincial finances.

(*c*) Sir Abdur Rahim and Mr. A. K. Fazl-ul Huq forwarded separate notes with the report of the Bengal Government. Sir Abdur Rahim states that any step of a retrograde or reactionary tendency would be in opposition to unanimous Indian opinion and gravely intensify political difficulties. Indian public opinion, as voiced by many of its influential and responsible exponents, is for the immediate grant of an entirely autonomous and responsible government in the provinces and the introduction of a considerable measure of responsibility in the central government. He admits frankly that before supporting this demand he would wait until a genuine experiment has been made in responsible government for the life of two or more councils in the transferred subjects. No such experiment has yet been made, and he desires to see how far the electorate and their representatives are able to realise their responsibility when thrown on their own resources. He points out that we have also to be completely satisfied as to how far the communal groupings in India, the existence of which cannot be ignored or minimised, are, or are not, consistent with political responsibility. Critics of dyarchy who say that it is unworkable mean different things. The Swarajists apparently mean that it has not achieved the millennium. Other theorists argue that the form of government which the people were used to from time immemorial until 1921 indicates that government by a representative assembly can only lead to inefficiency and perhaps anarchy. The first council in Bengal worked creditably. The Ministers, however, latterly came in for a great deal of criticism for supporting the official view on some important administrative questions in the police and the jail departments. Even the members of the council who always found themselves in opposition to government never thought of obstruction by the wholesale rejection of the budget. The impression which prevailed among them was that the Ministers retained their office through the goodwill of the Governor, and not that the Governor would be constitutionally bound to dismiss them if they lost the confidence of the council.

The entry of the Swarajist party caused the working of the council to assume a different aspect. The sole object of this party was to obstruct the government with a view to force the British Parliament to grant immediate Swaraj. The fate of this party is difficult to foretell, but we must reckon upon the possibility of there always being a party impatient of the pace by which the British Parliament may regulate the development of responsible government in India. He therefore makes detailed proposals for the establishment of a stricter form of dyarchy and says that he thinks that not even the Swarajists with all their enticing shibboleths and numerous trickeries can for long persuade the council not to make the best use of the opportunity given to it of becoming genuinely responsible for the administration of the transferred subjects. If even then the council is unable to rise to its responsibility, government can well hold with a clear conscience that the country is not yet ripe for responsible government and would be justified in seeking some other method of advance.

Mr. A. K. Fazl-ul Huq, on the other hand, is not prepared to support the suggestion that dyarchy should be worked in the form suggested by Sir Abdûr Rahim. He suggests that representative institutions have been thrust upon India, although, as known in the West, they are utterly unsuitable to Indian conditions. Oriental ideas of Kingship are fundamentally different from those that prevail in the West; political conditions in India debar the possibility of any harmonious working of representative institutions; and the political atmosphere, arising from the incessant communal strifes and other causes, makes the growth of self-governing institutions an impossibility. Representative institutions in their proper form cannot be expected to flourish in India. It has been a great mistake to force upon India a constitution unsuited to Indian conditions, and it would be a serious blunder to extend its operation unless conditions materially change. He strongly deprecates as a fatal blunder any advance by way of the transfer of more subjects. That would increase political agitation in India and encourage lawlessness and defiance of authority. The constitution should be worked for the full term of its probation.

(*d*) The Indian Member of Council in the United Provinces forwarded a separate note and so did the Ministers. The Indian Member says that the system of dyarchy was in practice put to a different test by different provincial administrations. In some provinces the system of joint deliberation by the two parts of government was started but could not achieve success because of the inherent defects in the very scheme of dualism. The provinces in which the system of separation was followed fared no better, because two different systems in one government are not practical. The Ministers were required to defend the decisions

of the entire government and to feel responsibility for conforming to the wishes of their constituents, and this placed them in a very precarious position. The Members of the Executive Council cannot do without the council, and some of their responsibilities are so unpleasant that no such Member can claim to enjoy the council's confidence. It must be decided whether government should shut their eyes to the present position or take up the question of removing at once any flagrant defects in the constitution. He is convinced that the Government of India Act must be amended ultimately. He suggests dyarchy should go and the government should consist of Ministers only, of whom one or two should be nominated from among the members of the Civil Service. The powers of certification and veto should be retained. Otherwise, the only safeguard he recommends is the constitution of a second chamber.

The United Provinces Ministers think that the time has come for a step forward and the handing over of a large degree of responsibility to Ministers responsible to the legislature. They refer to the difficulty of the Ministers in connection with the Reserved Departments. They say, if they vote with Government, they will be voting against their own party and may alienate the sympathy of its members. They know the uphill task it has sometimes been to persuade non-officials to agree to some proposals on the reserved side. As safeguards to provincial autonomy they suggest that the landlords should be given increased representation in the landlord constituencies or that there should be a second chamber. If it is considered impossible to amend the Act on the lines which they recommend, they would eliminate the evil of dyarchy by transferring as many more subjects as possible.

(*e*) In the Punjab separate notes were forwarded by the Indian Member of Council and by the Ministers. They suggest the transfer of more subjects, but the general considerations, which we are now summarising, are on the whole absent from their notes.

(*f*) The Burma Ministers also annex a separate note to the Burma Government's letter. The note contains but few general observations. We observe, however, that they definitely recommend, on the ground that Burma is not India, the transfer of all central subjects, except Imperial defence and foreign relations, to the Ministers and also the transfer of all provincial reserved subjects.

(*g*) The Indian Member of the Executive Council and the two Ministers of Bihar and Orissa also forward separate notes. Mr. Sinha states that the inherent defects of dyarchy are patent. The system is too complex and complicated and is unwarranted by

political experience. Educated Indians contend that they understand a benevolent despotism but cannot appreciate the dyarchic hybrid. Professor Lowell points out that "the foundation of government is faith not reason." If this be true of European states it can be predicated with even greater certainty of Asiatic countries and their governments. It may be that the full political paraphernalia of a constitutional governor and a responsible minister must wait the revision of the constitution in 1929. He accordingly agrees with the Honourable Ministers that all departments of the provincial government, other than those relating to the political and the judicial departments, should be transferred. He desires this change not with the object of pacifying or placating the avowed opponents of the present system. For, in Bihar and Orissa, these opponents are a mere handful compared with the less vociferous "sturdy, loyal people." Dyarchy has failed to evoke that faith which is the foundation of Government. His recommendations for transfers are intended to avoid too rapid changes and to avert the chances of prospective insecurity. He defers to the views of his Government, however, that the transfer of all these subjects would be found so unworkable as to produce a deadlock in a year's time, and he therefore comes to the conclusion that the present constitution should be superseded by complete provincial autonomy which alone seems to be the true solution of the difficulty.

The Bihar and Orissa Ministers say that the anomalous character of the present system is patent. The splitting of the component parts of the administration, apart from its difficulty, has raised a grave suspicion in the minds of the people that the British Parliament has no trust or confidence in the people in the administration of all provincial subjects. The remedy for the inherent defects in the constitution lies in changing the whole constitution. Nothing short of complete provincial autonomy will satisfy the people, but, if this is outside the scope of the enquiry, fresh rules should be made for the reclassification of subjects, and, if a much larger number be transferred, the majority of the people will be satisfied.

(*h*) The Indian Member of Council in the Central Provinces also forwards a note of dissent. He classifies the heads to be considered under seven heads in all. The first three relate to the electorate. As regards this he admits that it is small and the electors mainly illiterate, but the latter fact does not necessarily connote want of interest in, or appreciation of, political issues. He believes that the electors grasped the view at the last general election that the Swarajists were fighting a battle in their interests, and, considering how recent

has been the awakening of political consciousness, he thinks this appreciation of the candidates believed to be working in their interests by the electors is a fact of great value. The remaining four heads are more important. They relate to the members of the council. They were distrustful in the first council of government motives and policy on the reserved side, but the position would have been better, if they had been given responsibility for all subjects, in which case the extremist section would not have followed a policy of obstruction. The absence of a party system was natural; the concentration of effort was for a continuous battle against government; and the first elections being what they were neither the electorate nor the representatives felt any necessity of holding to account or being accountable. One thing is clear, dyarchy neither had nor can have a fair trial. Full provincial autonomy might be attended by some risks but it would be a right step for deciding whether parliamentary forms can be properly worked in the interests of the people at large. Even now safeguards can be introduced by the retention of larger powers to the Governors. All provincial subjects should be now transferred.

(*i*) Of the two Ministers in Assam Mr. P. C. Datta thinks that in the present temper of the people nothing short of full responsible government in the provinces or at least a sure prospect of its early attainment will placate them. If this line of advance is not within the scope of the enquiry the preamble to the Government of India Act should be altered so as to declare that India will get responsible government within a definite period subject to such reservations as may be found absolutely essential. If Parliament is unwilling to commit itself to this, the only alternative is to revert to a Council form of Government with such modifications as may be necessary to conform to the declaration of 1917. The position of Ministers is unenviable. All the fury of the new party is directed against them. Whether dyarchy is to be retained or abolished is a question which has to be decided for all the provinces together. A reversion to the Council form of government would be a pretext for inveighing against Parliament, but this will not make the position worse, and deadlocks will be avoided.

Syed Muhammad Saadulla says that the position of Ministers under the constitution is one of great delicacy and difficulty. They are under two cross-fires and must please both the Governor and the council. So long as the constitution remains a dual one, it will encounter vigorous criticism. Any advance in the present constitution should be on the lines that there should be only one government, that is, the Governor and Ministers alone. It could

be provided, however, that one of the Ministers should be a government officer to be elected or selected from the officials in the council. To work the present system Ministers should be given more authority and more power. To the Indian mind the word Minister connotes patronage and autocratic power. The Ministers should therefore be empowered to make all appointments in the subordinate services and the provincial service should be filled on his recommendation by the Governor, irrespective of the choice of the Head of the Department. This will visualise his power to the public at large. In India as everywhere else money marks the man, and the Ministers must therefore be given the same pay and status as the other Members of Government.

Witnesses before the Committee.

22. We now turn to the evidence which has been given directly to us either orally or in writing.

In the resolution in which our appointment was announced the Government of India invited any persons who desired to do so to send memoranda of written evidence to the Secretary on or before the first day of August and also to indicate whether they were prepared to give oral evidence if desired. We extended the date fixed for the receipt of written evidence from time to time right up to the end of our enquiry. Before we first assembled also, under the instructions of the Chairman, a copy of the resolution was communicated to each person who had held office as a Member of an Executive Council or as a Minister since the introduction of the reforms and who had ceased to hold office and was not one of ourselves but was in India at the time; their attention was drawn to the invitation to give evidence; and it was suggested that they should be in a favourable position to give evidence on the subject matter of our enquiry.

We append a list of Associations and persons who furnished us with written and oral evidence (Appendix No. 1). We have caused the more important written memoranda presented to us to be printed in a separate volume which we annex to this report (Appendix No. 5). It contains 57 memoranda from various persons and associations. We also orally examined 26 persons and we annex the record of their oral examination in two printed volumes to this report (Appendix No. 6).

The leader of the Swarajist party in the Legislative Assembly, Pandit Motilal Nehru, was invited by the Government of India, to serve on this committee, but he did not accept the invitation nor did he or any member of the Swarajist party offer any evidence.

23. The witnesses who tendered oral or written evidence included the following past Members of Council and Ministers :—

| Names. | Whether oral evidence was taken in addition. |
|---|---|
| (i) Sir K. V. Reddy, *ex*-Minister, Madras . . . | No. |
| (ii) Sir Chimanlal Setalvad, *ex*-Member of Council, Bombay | Yes. |
| (iii) Sir Provash Chunder Mitter, *ex*-Minister, Bengal . | Yes. |
| (iv) Sir Surendra Nath Banerjea, *ex*-Minister, Bengal . | No. |
| (v) Mr. A. K. Fazl-ul Huq, *ex*-Minister, Bengal . | Yes. |
| (vi) Mr. A. K. Ghuznavi, *ex*-Minister, Bengal . | No. |
| (vii) Nawab Bahadur Syed Nawab Ali Chaudhury, Khan Bahadur, *ex*-Minister, Bengal . . . . | No. |
| (viii) Mr. C. Y. Chintamani, *ex*-Minister, United Provinces | Yes. |
| (ix) Mr. Harkishen Lal, *ex*-Minister, Punjab . . . | Yes. |
| (x) Mr. S. M. Chitnavis, *ex*-Minister, Central Provinces . | Yes. |
| (xi) Rao Bahadur N. K. Kelkar, *ex*-Minister, Central Provinces . . . . . | Yes. |

We have received direct evidence either from a Minister or a Member from every province except Burma, Bihar and Orissa and Assam. Several Members of Council and Ministers who were in office or who took office when or after the reforms were introduced are still in office. In these cases and also in the cases of some such persons who were no longer in office their views have been given in enclosures of the reports from local governments. We would add that we examined all the witnesses in the above list orally except those who were unable for one reason or another to appear before us in Simla. Written and oral evidence was given to us by the Hon'ble Sir John Maynard, Member of Council in the Punjab, on behalf of that Government in order to express that Government's views on points that had been raised by the evidence of Mr. Harkishen Lal; the Government of the Central Provinces also supplied us with a written evidence in regard to certain points in the evidence of Mr. Kelkar; and the Government of Bombay, through the Hon'ble Sir Maurice Hayward, supplied us with written evidence in regard to the evidence of Sir Chimanlal Setalvad. We must add that Sir John Maynard, like all other witnesses, was examined in public, and after the newspaper reports of his evidence had appeared Mr. Harkishen Lal asked to be allowed to reappear and give further oral evidence. We were unable to agree to this, as it would have meant that there would have been no finality to our proceedings. We, however, supplied Mr. Harkishen Lal with a copy of Sir John Maynard's written and oral evidence and

informed him that we were prepared to receive and consider any further written statement which he might furnish to us. Actually he gave his views in an interview to the press and merely forwarded to us a reprint of the report of the interview, which we have, however, considered. We examined Sir Abdur Rahim, Member of Council in Bengal, at the request of the Government of Bengal; and Mr. A. Marr, Secretary to the Government of Bengal in the Finance Department, was also deputed by that Government to explain to us orally the method in which the Finance Department was worked in Bengal.

We examined Sir Frederick Gauntlett, the Auditor General, and Mr. J. E. C. Jukes, upon financial questions. Mr. G. H. Spence, Deputy Secretary in the Legislative Department of the Government of India, explained to us how the control over provincial legislation provided for in the constitution was exercised and gave us detailed information about some of the Bills which had been referred to by other witnesses. The Railway Department of the Government of India also furnished us with a short memorandum in regard to the procedure for the discussion of the railway estimates in the Legislative Assembly.

24. We do not consider that it would serve a sufficiently useful purpose for us to attempt to summarize in detail the evidence which has been produced before us, though the specific recommendations which have been made to us for action within the scope of our terms of reference will be referred to later. Generally speaking most of the Indian witnesses before us have attacked the present constitution as having been found after trial to be unworkable and have advocated the immediate grant of provincial autonomy to the provinces and the introduction of a measure of responsibility to the legislature in the central government. So far as the central government is concerned, a common form which the recommendations of the witnesses took was for the transfer to the administration of Ministers responsible to the legislature of all subjects, except—

(i) Political and Foreign relations; and

(ii) Defence.

It is true that the recommendations did not go so far as this in the case of several witnesses, but in the case of one witness, Sir Purshotamdas Thakurdas, they proceeded even further. He had condemned dyarchy as unworkable in the provinces and therefore considered that he could not logically advocate its introduction in the central government. He accordingly recommended that all questions should be considered in the one Cabinet, the constitution of which he proposed, and that the Governor General should be bound by the advice of the Cabinet, unless he was

prepared to dissolve the Assembly, save in respect of foreign relations, where the Governor General would have the power of veto, and in respect of defence, where the Cabinet would not have power to revise the financial settlement, which was to govern the expenditure on the army and was to be revised quinquennially by an independent committee. It is clear that these recommendations, both for the grant of provincial autonomy and for the introduction of a measure of responsibility in the central government, are beyond the scope of any recommendations which we are empowered to make. We do not propose, therefore, to discuss them further, save in regard to the question of what is meant by " provincial autonomy ", the implications of which do not appear to be fully understood by some witnesses, and which we therefore propose to examine briefly later. We think, however, that it is advisable for us to examine the evidence of those persons who have had inner knowledge of the working of the reforms in so far as they make definite complaints regarding the existing constitution.

25. The specific allegations against the present constitution and the manner in which it has been worked, which are contained in the evidence of the witnesses we are now considering, may perhaps be summarized as follows :—

(i) the failure to encourage joint deliberation between the reserved and transferred sides of the provincial governments;

(ii) the absence of joint responsibility of the Ministers;

(iii) the impinging of the administration of reserved upon the administration of transferred subjects, and *vice versa*;

(iv) the failure on the part of permanent officials to co-operate with the Ministers;

(v) the vesting of the control of the Finance Department in a Member of the reserved side of the government, the control thus given to the reserved side over the Ministers and, generally speaking, the handicapping of the other departments by excessive financial control; and

(vi) the failure of the constitution to vest real authority in the Ministers owing to the control of—

(*a*) the Governor; and

(*b*) the Government of India and the Secretary of State.

We shall refer to the difficulty in regard to the absence of joint responsibility and to the charge in respect of the Finance Department when we come to deal with our recommendations. Neither

of these is peculiar to dyarchy. We shall also deal later with the question of the encouragement of joint deliberation. Of the remaining heads only the third can be directly attributed to dyarchy itself, the rest relate to the manner in which dyarchy has been worked or to restrictions which have been imposed upon the powers of the Ministers.

Impinging of the administration of reserved upon the administration of transferred subjects and *vice versa*.

26. The division of subjects into reserved and transferred subjects is of the very essence of dyarchy, and dyarchy must be held responsible for any failure in the working of the constitution which can be directly attributed to the administration of a transferred subject impinging upon the administration of a reserved subject or *vice versa*. The Governments of the United Provinces and of the Punjab have both referred to this point which is also dealt with by Sir K. V. Reddy and Mr. Chintamani, while several of the grievances indicated in Mr. Kelkar's evidence are also directly due to this reaction of one department of government upon another. It is indeed a difficulty which must arise when any attempt is made to divide the functions of government, and none of us would seek to minimise its importance. It is in fact a difficulty which is experienced to a greater or less extent in the division of sovereignty between the federal and local governments which is a feature of all federations. Some authority must decide on which side of the dividing line the decision of a particular case must be reached. In the provincial governments in India this power has been placed with the Governor, and it was therefore in the exercise of his proper functions that the Governor was called upon to decide which department should deal with the particular cases which, according to one witness, were kicked like a football from one department to another. We fully agree that before any question is decided in a dyarchic constitution which impinges upon the two sides of the administration it is necessary that both sides should see the case and be given an opportunity of expressing their individual views. In some such cases decisions were apparently reached without one side of the administration having had an opportunity of being heard, but this is contrary to the scheme of administration contemplated by the existing constitution. It is true, however, that there should be no doubt upon which side of the administration responsibility for the actual decision taken should be placed. The other side must be free from responsibility for such decisions, and it can then have no real grievance if the decision taken is contrary to any advice which it may have given. Sir K. V. Reddi suggests that such success as Madras is believed to have achieved in working the constitution was rendered possible by the attempt to ignore

the dyarchic system, and Mr. Chintamani also suggests that the dyarchic system worked well in the United Provinces for some time after its inception just in the measure in which it was departed from. The evidence of these witnesses, however, appears to indicate—we hope we are not misrepresenting them—that they were disappointed in not being able to control the decisions on the reserved side of the administration, and in Mr. Chintamani's case the disappointment was doubtless increased because of the change of system to which he refers. Sir K. V. Reddi, for example, states that the Ministers were only three and the Executive Councillors were four, and the former were often obliged to yield to the latter. Mr. Chintamani also says that he asked the Governor to abandon the meetings which he was holding with his Councillors or else to meet his two Ministers together, but he was informed that the Governor had no option but to hold meetings of the Executive Council, but he saw no necessity for weekly meetings of the Governor and the two Ministers, and he would call the Ministers together whenever the need was apparent. Mr. Chintamani also says that the Ministers found that contrary to expectation they were *not* being taken into confidence on *all* subjects (the italics are Mr. Chintamani's). From Mr. Kelkar's evidence it would appear, also, that he felt himself aggrieved on account of some decisions which clearly concerned the other side of the government. He further stated in his written evidence that there is nothing in the Act or in the rules or executive instructions that gives the Ministers a right to force their advice or views on the other half of government. We must conclude the examination of this question by admitting, as we have already done, that the inevitable result of a division of subjects is that one side of the administration must react upon and consequently restrict the operation of the other.

Failure of permanent officials to co-operate with Ministers.

27. We now turn to allegations against the working of the constitution which are not directly connected with the actual form of government. We should have regarded the allegation that the members of the services had failed to co-operate with the Ministers as of the most serious character if we had been able to find that it had been the case on more than a few isolated occasions. We fear that some press reports of the oral evidence before us have created an impression that in some provinces such failures to co-operate were common, but we are not satisfied that any of the witnesses before us actually intended to give such an impression. We proceed, however, to indicate briefly the nature of the evidence produced before us in support of such a view.

28. We take first the evidence of Mr. Kelkar. In his written evidence he stated that the permanent Heads of Departments can and often do challenge the propriety of Ministers' orders, and the Ministers can do them no harm even if their decisions or recommendations are ultimately negatived by the Governor; that the various instances of interference that occurred during his term of office had left an impression on his mind that the bureaucracy still wants to retain the control of the departments in their hands; and that owing to the very wide powers conferred upon Secretaries cases which were, in his opinion, petty or simple were taken to the Governor for final orders. In his oral evidence he explained his position upon these points at greater length. For example, in regard to the suggestion that Ministers have no power to punish the permanent Heads of the Departments who challenge the propriety of a Minister's orders, he said that he would like to have power to punish factious opposition but not an official who puts forward a view which, however wrong it might be, was an honest view. He thought that the permanent Heads of Departments should place their views before the Minister, and, if the Minister overrules them, they should accept his decision and have no right of reference to Government. Later he gave his opinion that probably the Heads of the Departments and the Secretaries thought that "this is a new man who was practising at the bar for some time and has had no administrative experience." They probably thought that he himself would be guided by their advice. And later in regard to a suggestion that the cases in which his decision had not been upheld were cases of detail, he said that in his opinion the Minister should be relieved of these details, but if they came to him and if there is dispute, then it was necessary for him to decide. In his written evidence Mr. Kelkar stated that it had come to his ears from a reliable source that the members of the services refused to help in carrying out the Minister's policy in certain matters. Though this evidence tends to give an impression that there was a lack of co-operation of the members of the permanent services with the Ministers in the Central Provinces, the Central Provinces Government themselves in their report, which was of course forwarded to the Government of India before Mr. Kelkar was examined, stated that the fair measure of success with which dyarchy was worked during the period of the first council in the Central Provinces was due in no small part to the efforts made to work the scheme by the members of Government and the permanent services. The evidence is perhaps more directly in issue in regard to the question of the control of the Governor, to which we shall refer later. We imagine also that, in the main, it means little more than that the Ministers and the members of the services approached questions from a different standpoint and held different views. Referring to this evidence in the later letter, which we have in-

cluded in Appendix No. 5, the Central Provinces Government definitely state that the Ministers in carrying out the several important changes of policy which they inaugurated in their departments received the cordial co-operation of the permanent officials, and in regard to the definite allegation of refusal to help in carrying out the Minister's policy in certain matters, which was only hearsay evidence, they state that the Governor in Council is satisfied that there is no foundation for it.

29. Mr. Chintamani gave evidence of a somewhat similar nature. For example, he said in his written statement that Commissioners and District Officers have many opportunities of making themselves felt in the administration of transferred subjects. In the departments which he had to deal with he said he had to bring to the notice of the Governor cases of attempts at interference by a Commissioner and a Collector in a matter relating to the transfer of an Excise Inspector; by another Collector in a matter pertaining to co-operation; and by a third to the Public Works Department. Mr. Chintamani, however, went on to say that he would like to record that it should not be thought that the instances of interference were very frequent. There were many officers whose attitude to Ministers was correct, and some were cordial and helpful. He said that he looked back to his association with these officers with pleasure, and in some instances with a feeling of gratefulness. In his oral evidence, however, he stated that his official relations with the permanent services were not on the whole good. They were quite good in the beginning, but during the major part of the tenure of his appointment as a Minister they were not good. Official disagreements he said were many and very frequent, but he never questioned the honesty of the difference of opinion of those who disagreed with him. He suggested that if there are a Minister and a Secretary or Head of a Department who differed more frequently than they agreed, and, if the Minister has to force his views upon unwilling agents, and difficulties thus arise, friction would be caused.

30. The only other witness who gave evidence to the same effect is Mr. Harkishen Lal. In his oral evidence he said that his relations with the services generally were very friendly, and that, except in one or two cases in one and the same department, there was no apparent tendency to rebel against him. In one or two cases he says the officials appealed, complained, took legal advice and threatened him with the opinion of the Government of India and with referring the matter to the Secretary of State. In regard to this evidence Sir John Maynard detailed in his written Memorandum two or three cases and stated that no other case of similar friction in any department under the reformed government was traceable. We should, however, in this respect

refer to Mr. Harkishen Lal's suggestion that he had been threatened with legal advice. He referred to this in the interview which he gave to the press, to which we have alluded in paragraph 23. There he explained that the case in which he had been threatened with legal advice or legal opinion was not the case referred to by Sir John Maynard, but another one.

31. On the other hand, several witnesses gave evidence in the opposite sense. Sir Surendra Nath Banerjea referred to the atmosphere of good will which prevailed in Bengal, which extended, he appears to hold, from the Governors to the permanent officials of the various departments.

Sir P. C. Mitter stated that he was happy to state that he and his Indian Civil Service Secretaries worked together smoothly and harmoniously. In his oral evidence he amplifies this statement to the effect that he had never any difficulty with Indian Civil Service officers. It frequently happened that he and his Secretaries did not agree; discussions took place, but after the decision was arrived at, he always had loyal support from his Secretaries. In regard to Indian Educational Service officers, he said that his relations with some of them were equally happy, but with others they were not so.

Mr. Fazl-ul Huq in his written evidence said that he entirely disagreed with those who had declared that Secretaries to Government and other officials often hampered Ministers in the administration of the transferred subjects. He said that he could recall nothing more pleasant than the memory of his association with the Secretaries to Government, Heads of Departments and other permanent officials. He further alluded to the point that the Secretaries generally speaking do not belong to any of the contending communities in India and have been brought up in an atmosphere free from partiality and prejudice. Ministers might be liable to be influenced by political prejudice and even by an unconscious leaning towards their own community. In such cases it would be the clear duty of the Secretaries and other permanent officials of Government to intervene and prevent any possible injury to the public interests.

Mr. Ghuznavi also said that the Secretaries and Heads of Departments who worked with him were uniformly and devotedly loyal. He knew of no single instance where the Secretaries did not faithfully co-operate and carry out his orders in the administration of the Transferred Departments.

Another witness to whom we desire to refer in this connection is Sir Chimanlal Setalvad, who, it may be noted, was a Member of

the Executive Council of Bombay. So far as he himself was concerned, he stated that he derived the greatest assistance and loyal co-operation from the services, though there were one or two instances in which there had been embarrassment with the Ministers due to their lack of control over the services. He explained that he did not mean by this to say that the services tried to thwart the Minister or his policy, as he thought they served the Ministers loyally. He meant that the control of the Secretary of State over the services was calculated to embarrass the Ministers.

In the enclosure to the report of the Madras Government we find that the Madras Ministers express their view that no one will doubt the loyalty of the officials in carrying out the policy of Government. "It is due to the high sense of duty which the superior officials of this province have, that the reforms were so far successful here, but there are symptoms of indifference to the transferred subjects on the part of the services generally working in the Reserved Departments."

32. We are now in a position to summarise our conclusions upon this important question. We consider that there can be no doubt but that the members of the services generally loyally co-operated with the Ministers in working the reforms. There may have been a few instances in which this was not the case, but we believe they were exceptional. We consider that the evidence before us also goes to show that the members of the permanent services did not hesitate to carry out any policy once it had been decided upon by the Ministers. In some cases we feel that the Ministers did not fully appreciate the position of the permanent services or sought to take a greater share themselves in the detailed work of a department than is normally expected from its political head. It was only to be anticipated that honest differences of opinion would arise between the Heads of the permanent Departments and the Ministers, and that the Heads of the permanent Departments would urge their own point of view with some tenacity. We believe, however, that for the most part they have been prepared to assist the Ministers fully in coming to conclusions and have loyally co-operated in carrying out their general policy. Any contrary conclusion, save in regard to the few exceptional cases to which we have referred, is not, we consider, supported by the answers given in examination by the witnesses themselves, or by other evidence produced before us. As was stated by one witness neither Members nor Ministers nor autocratic nor democratic administrators are exempt from occasional friction and unpleasantness.

Control over Ministers by the Governor.

33. The constitutional view that the executive power in India is vested in His Majesty is recognised in section 1 of the Government of India Act. So far as the transferred subjects in the

provinces are concerned, it is, however, provided by sub-section (3) of section 52 of the Act that the Governor in relation to these subjects shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with his Ministers' advice. In the same section provisions are made to secure that Ministers shall be members of the local legislature. These provisions were intended to introduce a measure of responsible government on the transferred side of the administration in India. Some witnesses have assumed that the word "advice" implies that the Minister was intended to be merely an adviser of the Governor. No such deduction can, however, be made from the use of this word, as it is used in corresponding provisions in the constitutions of Canada, Australia, South Africa, Northern Ireland, and the Irish Free State, with the object of conferring responsible government. The degree of responsible government is of course subject to the provision which we have cited to the effect that the Governor should be able, if he saw sufficient cause, to dissent from his Ministers' opinion, and this clearly involves a definite limitation upon responsible government. But in deciding not to accept any opinion of his Ministers the Governor was of course intended to be guided, and to have regard to the special responsibilities imposed upon him, by the Instrument of Instructions issued to him by His Majesty. The Governors had also the guidance of the dictum of the Joint Committee to the effect that they should not hesitate to advise the Ministers as to what they thought was the right course, but if the Ministers decide not to adopt their advice to fix the responsibility upon the Ministers and ordinarily allow them to have their own way.

34. The real answer to the question of whether a Governor's control over his Ministers has been excessive is to be found in the number and nature of the cases in which it has been exercised. Mr. Kelkar more than any other witness suggested a large degree of interference by the Governor. He himself, however, admitted that His Excellency the Governor of the Central Provinces generally did not attempt to overrule him so far as broad questions of policy were concerned. His objection was that he was overruled in what he regarded as details of the administration; but he stated that only in one class of case did he observe anything approaching a settled policy, namely, his proposals with regard to punishment, withholding increments, pensions, etc., of Imperial Service officers. We observe in connection with this evidence that the Central Provinces Government have caused their records to be searched and have provided us with a statement summarizing all the cases, fourteen in number, in which the Governor has overruled his Ministers. The statement will be found in Appendix No. 5 to our report. Out of the 14 cases the first 8 relate to the pay, pension or posting of officers of the all-India services, in regard

to whom the Governor is, of course, by his Instrument of Instructions, vested with particular responsibility. The Central Provinces Government in fact state that some of the friction which occurred in connection with service questions was caused by the desire of one Minister to promote and transfer Indian members of the services to posts irrespective of their claims on account of seniority or merit, on the ground that it was necessary to give Indians the amplest opportunities for training. They state that the Governor refused to accept such recommendations to the detriment of the European members of the services, holding that promotions and transfers should be made irrespective of the race of individual members. Mr. Harkishen Lal suggested in his oral evidence that the Governor under the constitution had complete power to do as he liked. Mr. Chintamani says that he himself passed through every stage in regard to the exercise by the Governor of his powers, from "the Honourable Minister is responsible" and "I must support the Honourable Minister", to being overruled in matters of various degrees of importance and unimportance. Sir Surendra Nath Banerjea, however, says that he does not remember any order of his which was set aside by the Governor. The occasions on which there were differences of opinion were not many, these were discussed, and the Governor and he were able to come to an agreement. Finally, Sir Chimanlal Setalvad, after suggesting that the Governor claimed a greater power of interference than was intended, concludes that the Ministers, by firmness and with the ultimate weapon of resignation in the background, fairly succeeded in giving effect to their own policy in the administration.

35. As we have already indicated, the number and the nature of the cases in which the Ministers' proposals were interfered with is a question of evidence. Applying this test we are not satisfied that there was really excessive interference with the Ministers' policy, though the attitude adopted by some Governors may have differed from that adopted by others. It is possible also that in some cases the Governor approached a particular proposal of the Minister from the point of view of what was best to be done in the circumstances of the case rather than from the point of view of how that proposal might accord with the Minister's general policy in the legislature. Even the statements of the Ministers which we have cited would support the view that the Governors normally followed the dictum of the Joint Committee referred to in paragraph 33.

Control over Ministers by the Government of India and the Secretary of State.

36. We do not think it necessary to refer in detail to the evidence regarding the control over the Ministers by the Government of India and the Secretary of State. The general powers of superintendence, direction and control over local governments in the transferred field are restricted to those embodied in rule 49 of the Devolution Rules and in the rule made

by the Secretary of State in Council under section 19A of the Act. It is true that Sir K. V. Reddi in regard to the latter rule states that the powers retained by the Secretary of State are big enough to eat up the rule. He admits, however, that it is difficult to suggest an amendment of the rules. We shall deal with this point later in our report. Mr. Chintamani states that he believed that the amount of control exercised or sought to be exercised over the Transferred Departments, whether in matters of legislation or of administration, had been less than over the Reserved Departments. He claims, however, that there have been cases of interference or attempted interference where he was convinced that there should have been none. It is true that in regard to the members of the permanent services serving in departments dealing with transferred subjects, control was retained and intended to be retained by the Secretary of State in Council under the reforms. The Ministers will, however, obtain greater powers in this respect if the proposals of the Royal Commission on the Services are accepted and given effect to.

The only other point to which we consider it necessary to refer in this connection relates to the control over provincial legislation. It is admitted both by the Government of India and by the provincial governments that the provisions of section 80A of the Government of India Act in regard to the requirement of previous sanction to local legislation are unduly restrictive, and we shall refer to this point again later. We consider, however, that the detailed information given in the written and oral evidence of Mr. Spence in regard to the particular provincial legislative proposals to which witnesses have referred indicates clearly that the local governments have not had very serious grounds for complaint as to the manner in which the existing law has been applied.

Evidence to the effect that dyarchy has failed.

37. When we turn from the specific allegations against the working of the present constitution to the broad allegation that dyarchy has failed and must be replaced we find that the evidence of those Indian politicians who have had first-hand knowledge is not unanimous. Several of the Ministers who have held office in Bengal are, for example, in favour of the retention of dyarchy. Of these, Mr. Fazl-ul Huq, whose general views have been summarised in paragraph 21 above, indicates the difficulty of introducing a system of responsible government amongst a heterogeneous people such as exists in India; the necessity of a well educated electorate before responsible government is possible; and the want of understanding among the present members of the legislature of their proper functions. Dyarchy, according to him, has not had

a fair trial, and, in his opinion, with all its faults it is an essential and indispensable first step towards the attainment of full responsible government by the peoples of India. Mr. Ghuznavi similarly considers that dyarchy must be worked for the full statutory period, because it contains the basic materials upon which the structure of the Indian constitution will eventually have to be laid. And Nawab Bahadur Syed Nawab Ali Chaudhuri states that Government should proclaim in the clearest and most emphatic manner possible that no further amendments of the present constitution will be made at present, except such as may be necessary for absolutely separating the administration of the transferred subjects from that of the reserved subjects, so that the Ministers will be in no way responsible for the policy of the Governor in Council and *vice versa*. Again we have the testimony of Sir Surendra Nath Banerjea, who states that he is unable to say, with due regard to facts, that in Bengal dyarchy has failed, so far as it was under his control. It is true that he recommends that dyarchy should go as quickly as possible and should be replaced, with due regard to the fact that liberty and not licence is required, by provincial autonomy; but he bases this view not upon the failure of dyarchy but because it is, he says, condemned by educated public opinion.

The Ministers now in office in Madras are amongst those who have asked for the abolition of dyarchy and the substitution therefor of provincial autonomy. In regard to their recommendation we would apply to them the maxim applied by Sir Surendra Nath Banerjea, "by their fruits ye shall judge them," and, if this is done, we find that the Ministers themselves claim in the enclosures to the report of the Government of Madras that the Transferred Departments have been able to put in a large measure of constructive work not only in legislation by enactments of important Acts such as the Industrial Loans Act, the University Reorganisation Act and the Religious Endowments Bill, but a great deal of spade work in overhauling the existing system in Excise, secondary and elementary Education, Public Works, Registration, and the organisation of the Health Department for affording better medical relief in rural areas. A greater decentralization, they say, has been effected in the financial relations of local bodies; and further that the underlying principle adopted in the revision of the systems hitherto followed in the Transferred Departments was that of continuous steady progress.

38. Some of the reasons which have been advanced by the remaining witnesses, who have a claim to first-hand knowledge, to show that dyarchy has failed also cannot be ascribed, either wholly or in part, to dyarchy itself. It is clear that the electorate should be educated to realise the responsibilities vested in them, and

further that the members whom they elect should also understand and be prepared to use their powers to control the administration of the Transferred Departments by Ministers. The education of the electorate must naturally be a slow process, and the fact that they are not yet sufficiently educated can scarcely be attributed to dyarchy. It is possible, however, that the failure by the members of the legislative councils to grasp the situation may be partly attributed to the system of dyarchy. Amongst the reasons for this failure may be mentioned the lack of experience of the members of the councils themselves, the fact that no party system had been developed and the appointment of Ministers individually instead of collectively. Another reason is the connection of the Ministers with the reserved side of the administration. They have been treated in some provinces, on acceptance of office, as though they had become a part of the executive government, and, as such, people to be attacked and thwarted. This aspect of the case has already been referred to in our summary of the views of local governments, and we would refer in particular to the views of the Bengal and Assam Governments summarized, respectively, in paragraphs 10 and 20 above. It is also alluded to by Sir Chimanlal Setalvad, by Sir P. C. Mitter and by Mr. Kelkar, to mention only some of the witnesses who have given evidence to us. Sir Chimanlal Setalvad, for example, refers to the entire misconception of the situation which was held by the members of the legislative council in Bombay, and he illustrates this by reference to a proposal to constitute an association of elected members with a view to discuss the policy to be adopted on various questions coming before the council from time to time. When this proposal was made, he tells us, it was promptly decided that the Ministers should not be admitted as members of the association. Mr. Kelkar also says that Ministers are looked upon as government men. It is obvious that before any responsible system of government can work satisfactorily, it is necessary that the Ministers should not only be members of their party but the leaders of it. The members of the legislative councils also must grasp their powers. It is not only unnecessary, but it is clearly inadvisable for them to attempt to interfere in the details of a Minister's administration. They have not the detailed information which alone could justify such an interference, but they should make it clear that they will hold the Minister responsible for the main policy which he adopts. The absence of a properly developed party system in practically all the councils and also the communal differences have further contributed to the difficulties which the new constitution had to face. All of these, however, are difficulties for the solution of which time is required, and they would arise in an almost equal degree under any system of responsible government which might have been introduced in India.

39. We have now completed our examination of the evidence produced before us to the effect that dyarchy has failed. It is clear that witnesses have frequently made this allegation with reference not to dyarchy itself and have been thinking not of the division of functions, which is the essential principle of dyarchy, but of other features of the constitution. Complete dyarchy was not in fact established. For complete dyarchy it would have been necessary to have established a complete vertical division of functions between the two halves of a provincial government, and to have endowed each half with a separate purse, with a separate permanent staff and with a separate legislature; in the same way as in a federal constitution, there is a corresponding horizontal division in these respects. We have of course no evidence to show how such a system might have worked in India. The partial dyarchy which was introduced is clearly, as stated by the Government of the United Provinces, a complex, confused system having no logical basis rooted in compromise and defensible only as a transitional expedient. A complex constitution like dyarchy, requires more particularly to be worked by reasonable men in a reasonable spirit, if deadlocks are not to ensue. In this, however, it is by no means unusual, for many democratic constitutions contain in the words of Lord Bryce "a body of complicated devices, full of opportunities for conflict and for deadlock." The existing constitution is working in most provinces, and it is giving a training in parliamentary government to the electorate and also to the members of the legislatures and to Indian Ministers. While the period during which the present constitution has been in force has been too short to enable a well-founded opinion as to its success to be formed the evidence before us is far from convincing us that it has failed. If, recently, in some of the provinces, it has not achieved the expected measure of success, it is because it was not worked on the lines and in the spirit which was intended. We hold in fact that, except by some form of dualism, it was not possible to afford an equally valuable training towards responsible government in India and still to safeguard those conditions upon which government depends.

Conclusions in regard to evidence as to the working of dyarchy.

40. As we have already stated the non-official Indian witnesses before us have generally speaking confined their attention to the grant of full responsible government in the provinces. Some of them, however, have not referred to the structure of the provincial governments but have addressed us regarding particular questions only. The necessity for precautions in regard to social legislation which will affect the religion and the religious rites and usages of the Hindu community has been raised in a memorandum from Hindus in Bengal and

Other evidence.

Assam and by other persons. To the former memorandum a useful brochure on the record of the first Legislative Assembly in this respect, prepared by Mr. Jogendra Nath Mukherjee a member of that Assembly, is attached. These witnesses suggest the adoption of precautions with the object of securing that such legislation is not passed unless it is supported by the community mainly affected. Other witnesses have addressed us on the following particular questions only :—

(i) representation for the working classes in the legislative bodies;

(ii) representation for the depressed classes in the same;

(iii) representation for the landlords of Calcutta in the Bengal Legislative Council;

(iv) women's franchise; and

(v) the protection of the members of the services serving in departments dealing with transferred subjects.

In regard to the witnesses who have addressed themselves to the main constitutional issue we have already in paragraph 24 mentioned the *ex*-Ministers who have objected to any advance in the constitution at present. Similar views have been urged by—

(i) societies representing the depressed classes in the Madras Presidency;

(ii) societies representing the tenants in Bengal and Bihar and Orissa;

(iii) the European Association; and

(iv) European Chambers of Commerce in Bengal and the United Provinces.

41. As a counterpart of the view that until communal representation is done away with there should be no advance towards self-government which is mentioned by Mr. Harkishen Lal in his evidence as being held by certain of his friends in the Punjab, we would refer to the resolution passed at a mass meeting of Muhammadans held at Agra and addressed by Dr. Ziauddin Ahmed to the effect that the Muhammadans will not support the grant of any further instalment of the reforms till certain principles which will secure the position of Muhammadans have been settled.

The resolution in which these principles were expanded was as follows :—

> "That no form of Self-Government which does not provide adequate representation of Mussalmans in Legislature and other electorate bodies, can be accepted by the Mussalmans. It is also necessary that the interests of the Mussalmans be safeguarded by fixing an adequate proportion in all Government posts including the posts recruited by competitive examination and by providing special facilities in their education and by guaranteeing them their full religious liberty and by undertaking that no resolution or bill affecting the interests of the Mussalmans will be carried if half of the Mussalman members vote against it. These safeguards are essential to maintain Hindu-Muslim unity without which Self-Government is impossible. These safeguards should form integral part of the constitution of the Government and it should not be changed if three-fourths of the Mussalman members are against it."

The Punjab Muslim League on the other hand endorsed the following resolutions of the All-India Muslim League at the meeting held at Lahore in May 1924.

> "Whereas the speedy attainment of Swaraj is one of the declared subjects of the All-India Muslim League, and whereas it is now generally felt that the conception of Swaraj should be translated into the realm of concrete politics and become a factor in the daily life of the Indian people, the All-India Muslim League hereby resolves, that in any scheme of a constitution for India, that may ultimately be agreed upon and accepted by the people, the following shall constitute its basic and fundamental principles."

The principles were of a similar character to those of the Agra meeting but they also included the following :—

(*a*) The existing provinces of India shall all be united under a common Government on a federal basis so that each province shall have full and complete provincial autonomy, the functions of the Central Government being confined to such matters only as are of general and common concern.

(*b*) Any territorial redistribution that might at any time become necessary, shall not in any way affect the Muslim majority of population in the Punjab, Bengal and North-West Frontier Province.

In a further resolution the League after referring to the inadequate nature of the present reforms urged that immediate steps be taken to establish Swaraj, *i.e.*, full responsible government.

42. Mr. Sapre, Professor of History at the Willingdon College in the Satara District in the Bombay Presidency, would retain dyarchy and advance by reducing the powers of the Governor, and Mr. Surve, Member of the Legislative Council in Bombay, would transfer further but not all subjects. Other witnesses who favour the grant of provincial autonomy would insist on certain safeguards. For example, Sir P. C. Mitter, in his first memorandum addressed to the Bengal Government stated that he was one of those who firmly believe that the time is not yet ripe for full provincial autonomy, and that in the present stage of the immaturity, illiteracy and gullibility of voters it is essential that full responsibility should not be given immediately to the voters and the members of the legislative council over any single department of the government. In the second of the two memoranda which he addressed to us he favoured the grant of responsible government to the provinces with the reservation that if a council fails to pass a budget the Governor should have power to order appropriations on the basis of the previous year's budget, a device taken from the constitution of Japan, and the safeguard of a second chamber. Sir Chimanlal Setalvad, also, would only give provincial autonomy to the major provinces and would accompany it by special safeguards for the members of the services and for securing the carrying out of large schemes in regard to which the provinces have already entered into financial commitments and by vesting emergency powers in the Governor for the maintenance of tranquillity.

The permanent services.

43. In paragraphs 27 to 32 above we have dealt with the allegation that the members of the permanent services had failed to co-operate with the Ministers. Before we conclude this part of our report we think that we should refer to another aspect of the evidence in regard to the permanent services which has been placed before us. This point is referred to in the reports of several local governments, but we think that we can illustrate it best by a quotation of the words of the Government of the United Provinces :—

> " The spirit and the outlook of the services are not what they were. It may be difficult to specify the precise extent to which they have been affected, or to disentangle the various causes. But of the broad fact there can be little doubt. In the heated political atmosphere of the first fifteen months after the inauguration of the Reforms, the European services were the object of

constant vilification and abuse in the press and on the platform; indeed, as will be seen from the published proceedings, in the Legislative Council also, where though criticism was more restrained, it was often hostile and prejudiced. During the more peaceful period, which followed the collapse of the campaign of disorder, matters have much improved: and from various quarters keen appreciation has been expressed of the capacity of European officers to handle a difficult or dangerous situation. But there is still a tendency to look very sharply into any mistakes or shortcomings of hard pressed European officers, and to ignore their reasonable claims. More than one resolution has been passed which, if carried out, would have deprived them of appointments to fill which they had been recruited. It is not suggested that the Legislative Council has deliberately sought to inflict injustice on European officers. The constitution of the all-India services is not well understood, and many members of the legislature are influenced by the feeling (for which there is justification) that in the past Indians have not received their fair share of the higher appointments. The natural effect, however, of the attitude of the legislature has been to create in the minds of Englishmen serving in India an impression of hostility and a feeling of insecurity, which makes it difficult for them to give of their best. There are distinct signs that the services are losing their former keenness. Since they no longer have the power of shaping policy to the extent which they had, they no longer feel that the progress of the country depends upon their efforts, nor indeed that any efforts of theirs are likely to have abiding results. Enthusiasm and energy have also been sapped by financial pressure, and by the cloud of uncertainty which hangs over the future of the country to which they have given their lives."

We consider that this extract points to a regrettable feature of the present conditions prevailing in India. We are impressed with the desirability in the interests of India's constitutional development of securing contented permanent services and a return to that keenness which it is said is being lost. None of us would deny that during the months following the inauguration of the reforms the services were subjected to much unjust criticism and to a great deal of annoyance. We are, however, of opinion that criticism of the services is inevitable in the present conditions of India. The extent to which the permanent official may by his advice influence policy is apt to concentrate criticism on him which

should rightly attach to the government which adopts the policy. This is unjust and unfair but, in view of the position which the services have held in the past, is not altogether unnatural. It is possible that the services do not sufficiently make allowance for this aspect of the case. Criticism they will inevitably encounter in the exercise of their functions, and some of this criticism may be quite unjust. That is perhaps a consequence of a democratic or a partially democratic constitution. It is when that criticism takes a racial bias that we all consider that it must be wholly condemned.

## PART II.

### PROVINCIAL AUTONOMY.

44. The phrase "provincial autonomy" has been much used in the evidence that has been given before us. We think it eminently desirable that we should examine with some care the implications which it really connotes while drawing attention to the looser sense in which it has undoubtedly been employed. Catchwords of this nature are often of greater importance in their popular application than in their stricter meaning.

45. Provincial autonomy in the accurate sense of the term implies—

(1) the existence of a central government,
(2) the existence of provincial governments.

The distribution of power between the central and provincial governments may vary within very considerable limits, but the central government must have some control or the autonomy of the provinces would be complete.

46. No particular form of constitution whether in the central government or in the provinces is a necessary implication of the term. In their own spheres the constitution of the central government and of the provincial governments may be autocratic or democratic and the provincial governments may vary *inter se* as to their constitutions.

47. Though this is the strict use of the term, there is no doubt most of those who have used it before the Committee have contemplated that the provincial governments at least should be responsible to the legislatures, and indeed when using the term have used it rather to mean the grant of responsible self-government in the provinces than in its accurate meaning.

48. The essential feature of any system of provincial autonomy is the division of functions between the central and provincial governments, and that is a matter which has presented great difficulties in all federal constitutions. Now prior to the Government of India Act, 1919, the central government retained complete control over all provincial governments. Thereafter a separation of functions as regards provincial transferred subjects has been attempted, but the distinction between central subjects and provincial reserved subjects is admittedly lacking in definition. Much clearer definition and a much closer examination of the relations between the central and local governments would be an essential preliminary to any scheme of provincial autonomy in India. It may further be pointed out that the mere transfer of all provincial reserved subjects would not meet the case. It is exceedingly doubtful if, on examination, it will be found that several of the subjects now classed as provincial could under any

system of provincial autonomy be entirely provincialized. The central government now derives its powers of control over these subjects from the fact that it is still supreme on the reserved side, but with the transfer this control would disappear.

It seems certain that in the event of the transfer of all subjects the existing rule 49 of the Devolution Rules would leave an insufficient control in the central government. In this connection it may be well to remind those who look forward to responsible government both in the central and provincial spheres that the reservation of powers to the central government is certainly not less important in the case of a democratic government. In India the residuary power is with the central government at present, and we think it should probably be retained there.

49. Another essential feature of any such system is the separation of finances between the central and provincial governments. At present under section 20 of the Government of India Act the revenues of India are received for and in the name of His Majesty. It is true that the provinces have been allocated some of those revenues by the Devolution Rules made under section 45A, but it is only the Secretary of State in Council who can be sued under section 32. A local government may raise money under sub-section (1*a*) of section 30 on the security of the revenues allocated to it, but it must do so on behalf and in the name of the Secretary of State in Council. Even in the case of the Union of South Africa where the central government retains much greater control than in other federal constitutions within the Empire, separate provincial revenue funds have been established for the provinces. The revenues allocated to local governments must in fact be separated and held in separate accounts from the central revenues before anything in the nature of provincial autonomy could be set up. So long as the central government is responsible for the provincial ways and means programmes, so long obviously must it retain control in certain financial matters. For full provincial autonomy separate consolidated funds for the provinces would have to be constituted, and, as the right to sue government is recognised in section 32, it would further be necessary to provide that, when the claim, if established, would have to be met from such consolidated funds, the suit would lie against the province.

The existing limitations upon provincial autonomy in regard to the provincial borrowing powers are contained in the Local Government (Borrowing) Rules. In India the central and provincial governments tap the same sources when they go into the money market. It seems therefore clear that, for as long as we can foresee; if a competition in interest rates is to be avoided which would be opposed to the interests of both sides, there must be some control over the borrowing powers of

the provinces. The control would be required to secure co-ordination as to the times when the provinces should go into the market.

50. Before any system of provincial autonomy could be introduced into India the question of the definition of the fields of taxation and legislation would require much closer examination, and the extent to which it would be necessary for the central government to employ its own agents for the administration of its own subjects would become of the greatest importance.

Similarly much more definite provision would be required to provide for the enforcement of the authority of the central government over the provincial governments and the citizens subject to its central laws.

51. These are factors which we think merit consideration before it is assumed that provincial autonomy is in the main a question of political advance which is severable from administrative considerations.

## PART III.

### DIFFICULTIES ARISING FROM THE WORKING OF THE CONSTITUTION.

52. As we have already indicated the first item in the terms of reference to us requires us to consider all the difficulties or defects inherent in the working of the constitution. We have already alluded to the difficulty experienced in working the constitution owing to the atmosphere in which it was introduced, but we must qualify that statement by admitting that within the legislatures themselves there was at the commencement a spirit of good will. There are, however, several other difficulties for which we can clearly recommend no remedy, and to which we consider it will be convenient to refer before formulating our recommendations.

**Finance.**

53. We place the question of finance in the forefront of these difficulties. As is well known the allocation of revenues to the various provincial governments was decided in the light of the recommendations contained in the report of the Financial Relations Committee. This separation of the provincial finances from the finances of the central government, which is usually referred to as the Meston settlement, has been effected by the Devolution Rules. There can be no doubt that the basis of the conclusions embodied in that settlement has been seriously affected in certain respects, and as a result the provinces have not been vested with the resources which were anticipated. The difficulty which has arisen has been referred to in the reports of several local governments and also by several witnesses before us. The Madras Government refer to the deep sense of injustice felt with this settlement as contributing to the dissatisfaction felt at the working of the reforms scheme; and they say that unless the financial embarrassments consequent thereon can be mitigated or removed, no changes whether in the direction of extending the sphere of ministerial control or otherwise will result in material improvement. The Bombay Government say that they have never ceased to protest against this settlement; complaints are being perpetually made that the departments controlled by Ministers are being starved; and until the financial arrangements existing between the Governments of India and of Bombay are readjusted, no hopes can be held out of the satisfactory working of the Act of 1919. The Bengal Government say that in Bengal the Meston settlement is one of the main defects in the constitution; it stood condemned from the outset; and to this more than to any other cause, perhaps, may be attributed much of the discontent against the reforms, which prevails even among the more moderate

element. Finally, the Assam Government say that of all the remediable defects which have hampered the working of reforms finance is the most important; if even at this stage the Ministers could be given a surplus, however modest, an enormous improvement in the situation would result.

54. The objections of local governments to the settlement are based upon very different grounds. The settlement provided for the allocation of the same sources of revenue to different provinces. An arrangement which gave land revenue to the provinces and income-tax, except a fraction of the excess over the receipts of the year 1920-21, to the central government might be satisfactory to Madras, but would be equally unsatisfactory to Bombay and Bengal. The settlement also assumed that a sum of 9 crores and 83 lakhs of rupees would be required to balance the first budget of the central government, and this sum was to be found by contributions from the provincial governments. The contributions to be paid by the local governments were fixed so as, it was thought, to leave each province with a balance, but in view of the very different receipts which were given to each province by the allocation of the same sources of revenue to each, the contributions, which it was considered they would be able to afford and which were therefore fixed, varied from 15 lakhs from Assam to 348 lakhs from Madras. It is, we understand, the amount of this annual contribution which forms the basis of the grievance of Madras. When, however, the position of central finances is improved, and it is found possible to forego the provincial contributions, there should, we assume, be little objection to the settlement on the part of that province. The Bombay Government will then, however, only have benefited to the extent of 56 lakhs a year and presumably their finances will not be appreciably improved thereby, and the Bengal Government will only have secured the continued benefit to be derived from the non-payment annually of the contribution of 63 lakhs which they have already been granted for three years.

55. We observe that the central government also has been embarrassed by the state of its finances during the period since the introduction of the reforms in the same way as the provincial governments. The first financial year under the reforms was the year 1921-22, and the first budget was therefore based upon the experience of the year 1920-21. The actual deficits of the revenue as compared with the expenditure of the central government for this and the two succeeding years were as follows :—

| | |
|---|---|
| 1920-21 . . . . . | 26,00 lakhs of Rs. |
| 1921-22 . . . . . | 27,65 „ „ „ |
| 1922-23 . . . . . | 15,01 „ „ „ |

There was thus a total deficit of more than 68½ crores of rupees during these three years. It was only with the budget for the

year 1924-25 that the Finance Member was able to announce an estimated surplus on the working of the previous year, 1923-24. We find therefore that the reforms were started when there were not in fact sufficient funds to provide for the needs of both the central and the local governments, and this was due mainly to financial world conditions and not particularly to Indian conditions. The Meston settlement was framed on the basis that the exchange value of the rupee would equal two shillings, and we are informed that on the basis of the actual charges to be incurred in England which are included in the budget figures for the current year, this means a deficiency in central revenues of about 12¼ crores of rupees and in provincial revenues of about 78 lakhs of rupees as compared with the Meston settlement. The deficiency in central revenues due to this cause is thus well in excess of the total provincial contributions. The provinces also had to meet increases in the costs of establishment rendered necessary by increases in prices which have been estimated as having cost about 10 crores of rupees (including about 1½ crores for the Imperial and Provincial Services) per annum.

56. Though the figures in the preceding paragraph indicate to some extent how much the estimates upon which the Meston settlement was based have been affected, and though the position was, as we have said, that there were not sufficient funds available to meet the needs of both the provincial and the central governments, we agree with the local governments that the difficulty arising from finance has formed one of the main obstacles to the success of the reforms. It is due to it that Ministers have been unable to enter upon a policy of progressive development in the spheres of administration committed to their care. If they had been able to do so, they would have been able to provide an answer to those critics who have reiterated the allegation that the reforms were a sham, and they would also have been able to consolidate their position or else have been required to make way for other Ministers who could have enunciated a policy more acceptable to the councils which would incidentally have assisted in the establishment of the responsibility of the Ministers to the councils. We hope that with an improvement in the finances of the central government it will be possible to begin the work of reducing the provincial contributions. As we have shown, however, this is not likely permanently to meet the needs of certain of the provinces. It is clear that we have not the information upon which to base any recommendations for the revision of the settlement. We consider also that it is probable that an adequate revision will have to await a considerable improvement in the finances of the central government. We think, however, that the settlement should be revised as soon as a favourable opportunity occurs.

Electorate.

57. Another difficulty is to be found in the electorate in India. It is upon the electorate that the whole framework of responsible government must be based, and it is necessary for us to emphasize that there has not been sufficient opportunity yet to train it in the exercise of its responsibilities. The evidence on this point is definite. The existing electorate has been characterised as illiterate and untrained, though we have received evidence to the effect that the electors are able at present to understand broad issues which is their main function and to choose the candidate who in their opinion will serve them best. There are doubtless parts of India where the electorate is more advanced and better educated, but the statement of the United Provinces Government that the electors in the United Provinces are mainly members of an illiterate peasantry with many virtues but not many of the qualities out of which the controlling power of parliamentary government is made is probably accurate not only in that case but in the case of many other parts of India. The education of an electorate so constituted is a matter of great importance and difficulty. That efforts have been made to educate in certain instances is clear, as we have been informed that certain members of the legislatures have addressed many meetings of their constituents. We observe, however, that the two witnesses who appeared before us on behalf of the United Provinces Liberal Association and gave evidence in this respect, are in fact the two representatives cited by Mr. Chintamani in his written evidence as the most notable examples of members who have taken care to retain contact with the electorate. The reports of the local governments suggest that this is somewhat exceptional and there have been few attempts to establish those relations between the electorate and the members of the legislature which exist in countries where parliamentary institutions flourish. There is obviously much to be done in this direction, but it is not a matter that can be provided for by any change in the constitution though it is intimately bound up with its working. We certainly do not suggest that all constitutional advance in India must wait until the electorate has been educated up to the standard of the electorate in Western countries. We cannot deny, however, that the present state of political training of the electorate is an obvious difficulty in the working of the constitution.

Responsible government flourishes in small homogeneous communities.

58. It is a commonplace that in a system of responsible government based upon the model of England each member of the administration is responsible for the discharge of his duties to his superiors in the department and ultimately to the Minister. The Minister himself is responsible to the legislature which may express disapproval of his conduct or his policy; then if the matter is important the Minister resigns,

or, if it is of vital importance, and the Cabinet as a whole supports the Minister, the Cabinet resigns. The legislature itself is responsible to the electorate, and, unless the system of a referendum has been introduced, this responsibility can only be enforced at a general election. It seems clear to us that a system of this kind is most likely to flourish in areas which are comparatively small and of which the inhabitants are largely homogeneous. For, as Lord Bryce says :—" The first and nearest duty of a citizen is to bear his part in selecting good men, honest and capable, to do the work needed by the community, and to make sure that they do it. In a small community * * * * this was a simple matter, because everybody knew everybody else and could see whether the work was being done or neglected." And, again :—" Common sense does indeed suggest to him (the elector) that he should vote for some one he knows and respects personally, but if the electoral area be large there will probably be none such among the candidates."

This brings us to another difficulty in the working of the constitution for which we can clearly devise no immediate remedy. A measure of responsible government has been introduced in the nine Governor's provinces, but these units have been shaped, as explained in the Montagu-Chelmsford Report, by the military, political or administrative exigencies or conveniences of the moment and with small regard to the natural affinities or wishes of the people. Several of the provinces present features rivalling in their heterogeneity India itself. The populations of three of them, Madras, Bengal and the United Provinces, exceed forty millions. We admit that, for administrative purposes when several units are subordinated to a central unit, it is desirable that the number of such units should be small. We are, however, now considering the difficulties in the working of responsible government in India, and we feel that these difficulties are certainly much enhanced by reason of the large size of several provinces, their artificial and unnatural boundaries and the want of homogeneity in their populations. In their picture of the working of the reforms the Government of the Central Provinces have referred to the disruptive tendencies which have been a marked feature of the last four years. They say the rivalry between Berar and the Central Provinces became more marked, and the rivalry between the Northern Hindi-speaking districts and the Southern Marathi-speaking districts was more prominent. This, we consider, is a clear indication of the difficulty to which we are referring, for responsible government predicates a willingness of the citizen to co-operate in the work of government, and the difficulty of securing that co-operation in such circumstances is obvious. It is not a part of our functions to suggest any revision of the existing provincial boundaries, and we agree with the

authors of the Montagu-Chelmsford Report that a redistribution of provincial areas cannot be imposed upon the people by official action. It does, however, appear to us that this is one of the questions which will probably have to be considered in connection with any considerable constitutional advance, and it was pointed out to us by several witnesses that it was in fact a difficulty in the working of the existing constitution. It may be thought that the division of India into smaller and more homogeneous units will involve enhanced expenditure on the provincial governments, and we admit that such financial considerations are of great importance. It appears possible, however, that any increase of cost might be mitigated by a system of deputy governorships. The arrangements which might be introduced with a system of sub-provinces constituted under section 52A, sub-section (1), of the Government of India Act have not, however, been worked out in detail, and we consider it would be premature for us to commit ourselves to any definite pronouncement on this point particularly in view of the necessity for the consent of the people to any redistribution of provincial areas to which we have referred.

Communal differences.

59. Another difficulty in the working of the constitution is the existence of communal differences. We refer not only to the communal differences between the two great religious communities of India, which are, however, perhaps the most outstanding, but to the differences which exist between the members of the other communities, Brahmins and Non-Brahmins, the Sikhs, Parsis, Jains and Christians, as well. We do not desire in any way to exaggerate the importance of the differences, though the evidence to which we have referred in paragraph 41 above in regard to communal representation is an indication of their importance. We are also most desirous that we should say nothing in our report which would in the slightest degree tend to exacerbate the differences which do exist. As practical men we must, however, recognise that the inter-communal friction which has always been evident in India, but which has perhaps been more frequently so during the last few years, is not conducive to the success of responsible government. It is more than possible that the view which has been indicated in some of the evidence produced before us that the introduction of the reforms scheme has contributed to the growth of such friction is not without foundation. Other causes such as the *Shudhi* and *Sangathan* movements may have contributed more immediately to that growth, but the suggestion would appear to be that the desire of the different communities each to strengthen its own position has been an underlying and deeper cause. We do not propose ourselves to explore this evidence more fully. We, however, are not without hope that the leaders of all communities

will continue, in the interests of the constitutional development in India which is our immediate concern, to strive to develop unity in place of discord, and thus prove that the acuteness of the existing communal tension is but a temporary phase. For, so long as sectional interests are preferred to the interests of India as a whole, the growth of self-government must inevitably be retarded.

Difficulty arising from elected majorities in the Indian legislature and in the provincial legislative councils.

60. As a conclusion to this part of our report we refer to a difficulty inherent in the constitution. It was intended that the administration of transferred subjects should be conducted on the basis of the responsibility of the Ministers to the councils and of the members of the councils to the electorate. In the administration of central subjects and of the provincial reserved subjects it was not, however, intended that the government should be responsible to the legislatures, though a large measure of financial control has been vested in them in regard to such subjects. In the legislatures an elected majority was provided and, as is only natural, that majority is permanently critical, and in the second councils in certain provinces has been definitely obstructive to government. Colonial experience was of course well known to the authors of the Montagu-Chelmsford Report and to Parliament. It was indeed doubtless with due regard to that experience that provisions were included in the constitution of an affirmative nature as well the normally negative provision of the veto. These provisions related to the powers of the legislature both in regard to legislation and in regard to the appropriation of supply. It was intended also that those provisions should be used, but as stated by the Government of Assam "'arbitrary' is the mildest epithet applied to a Governor who certifies a demand; he is accused of flouting the wishes of the representatives of the people and goading them to revolt." The dictum of the Joint Committee that these powers were intended to be real is thus overlooked, whether the powers are exercised by the Governor in regard to the provincial councils or by the Governor General in regard to the central legislature. Though in the central government at any rate the instances in which these powers have been used have been very few indeed, yet we consider that these provisions in the constitution must inevitably contribute to the difficulty of its harmonious working, however essential their existence may be.

## PART IV.

### RECOMMENDATIONS.

61. Our recommendations for the remedying of defects and difficulties in the working of the constitution are set out in the following paragraphs.

### A.—*The Electorate.*

Franchise.

62. We begin with the electorate for the provincial councils and for the central legislature. We have summarised in Appendix No. 3 the most important statistics in regard to the electorate for the provincial councils and the Legislative Assembly for each province at the date of the general elections of 1923. In this statement we have excluded the numbers of electors for special constituencies, because the latter are usually electors for general constituencies as well. The minimum age for electors for the provincial councils and for both chambers of the Indian legislature is 21 years. The Indian Census tables do not, however, give the male population of 21 years and over, and we have accordingly included for purposes of comparison the total male population and also the total male literate population of 20 years of age and over. It will be observed that for the provincial councils the male electorate is normally about 10 per cent. of the male population of 20 years of age and over. In Burma the percentage is, however, nearly 50, which is due to the lower franchise adopted in that province, whereas in Bihar and Orissa and the Central Provinces the percentage is only about 4, which is probably mainly due to the smaller proportion of the people in those provinces who reach the standard adopted for the franchise; the standard also appears, on the whole, to be slightly higher in those provinces than in others. Although the census figures in Appendix No. 3 show that the male literate population of 20 years of age and over is greater than the male electorate except in the United Provinces and the Punjab, we must emphasize the fact that the knowledge necessary to qualify for classification in the census tables as literate is very small. The total male electorate for the general constituencies for the provincial councils was 7,414,000 and for the Legislative Assembly 984,000. The percentage of electors (generally more than 40 per cent.) who voted in the contested general constituencies at the last general election was, we consider, having regard to all the circumstances, satisfactory, and in that respect a great advance on the first general election.

63. We have received conflicting evidence as to whether the time is yet ripe for a general broadening of the franchise. For

example, Mr. Chintamani and Mr. Chitnavis have suggested that such action should be taken now, whereas Mr. Kelkar is averse to such action at present, and Mr. Ghuznavi suggests that the franchise qualification should either be raised or a system of electoral colleges for the election of representatives should be instituted. The Bihar and Orissa Ministers state that the franchise is so low as to lead to corruption and demoralization. The local governments also hold conflicting opinions. The Madras Government say that the extension of the franchise is fundamentally connected with any steps that may be taken to determine the future of the provincial governments; whereas the Central Provinces Government say that the question was examined exhaustively only 5 years ago and nothing has occurred to justify any drastic change in the decisions then reached, while the Bihar and Orissa Government say that the existing electorate is entirely ignorant and the extension of the franchise to a still lower level of intelligence will simply be to intensify confusion and to play into the hands of the unscrupulous demagogue. We have carefully considered these conflicting views, and we have decided that we are unable to recommend any general modification of the franchise in either direction. We have already indicated our opinion as to the general character of the electorate, but we are not prepared to advocate any raising of the franchise qualification or the introduction of a system of electoral colleges. We understand that where the latter system has been adopted, its success has generally been doubtful. We consider that the real remedy is experience in the exercise of their powers by the electors, which may lead eventually to an appreciation of the value and result of their votes, and thus secure responsibility in the exercise of the franchise. We affirm the principle that the franchise should be as low as possible, provided that the electors have a proper appreciation of their duties and responsibilities in its exercise. At present, however, the capacity of the elector is, we believe, on the whole mainly confined to a capacity to choose between the personal qualities of two or more candidates. If this is so, there can be no doubt that a general widening of the franchise, which is not accompanied by a corresponding increase in the number of seats, would enhance the difficulty, because it would largely decrease the proportion of the electors who are acquainted with any of the candidates; we are not prepared to recommend any great increase in the number of seats in the various legislative bodies.

Representation of the depressed classes and of factory labour.

64. We consider, however, that an exception to our general finding should be made in the cases of the representation of the depressed classes and of factory labour. There is a very general recognition of the fact that it is desirable that

both these interests should receive further representation, and we are in agreement with this view. In the constitution of some of the provincial councils the representation of the depressed classes and of the labouring classes by nomination is already provided for, but we do not consider that this representation is adequate. So far as the depressed classes are concerned we consider that unless in any particular case a local government is prepared to recommend a system of election, the further representation which we consider necessary can only be secured by nomination. In regard to urban factory labour we consider that it would be preferable to provide for the further representation by election, but in existing circumstances local governments may be compelled to provide for such representation by nomination. The rules already permit the Governor of Madras to provide by regulation for the selection of persons to be nominated to represent the depressed classes by the communities concerned, but we understand that no action has been taken under the provision. If increased representation by nomination becomes necessary the provisions of the Act which place a minimum limit upon the proportion of elected members in each legislative body may in certain cases require amendment. We have accordingly in the statement included in this paragraph indicated the limit which these provisions of the Act place upon an increase in the number of nominated members of the legislative body concerned on the assumption that the numbers of elected members remain unchanged. The statistics which we have given of the population in each province belonging to the depressed classes is the rough estimate of the minimum numbers given in the last census report, but the mere figures do not really form a proper measure of the magnitude of the problem in each province. We are unable to include any statistics of factory workers, because the census report stated that the attempt to distinguish factory and home workers in the textile industries which had been made in one province was found on analysis to have given figures of very little use. We consider that some definite representation of the labouring classes is also required in the Legislative Assembly, because industrial laws are subject to legislation by the Indian legislature, and it is perhaps probable that for some time any legislation on a considerable scale which may be undertaken will be in the central legislature. We consider it is unnecessary to provide for such representation in the Council of State. We have omitted any Burma statistics from the statement as we understand that the problem of the depressed classes, as it exists in other Indian provinces, is unknown there. The Burma rules provided for one nominated member of the labouring classes. We have no precise recommendations to make as to the additional representation which should be granted, as we consider that each

local government (including Burma) should be asked to formulate proposals.

| Legislative Body. | Population of depressed classes in thousands. | Existing provision for representation by nomination. | | Limit of increase in number of nominated members. |
|---|---|---|---|---|
| | | Depressed classes. | Labouring classes. | |
| 1 | 2 | 3 | 4 | 5 |
| Madras | 6,372 | 5 | 0 | 13 |
| Bombay | 2,800 | 1 | 1 | 11 |
| Bengal | 9,000 | 1 | 2 | 22 |
| United Provinces | 9,000 | 1 | 0 | 19 |
| Punjab | 2,893 | 0 | 0 | 8 |
| Bihar and Orissa | 8,000 | 2 | 1 | 5 |
| Central Provinces and Berar | 3,300 | 2 | 0 | 7 |
| Assam | 2,000 | 1 | 1 | 2 |
| Legislative Assembly | ... | 0 | 0 | 0 |

Rural franchise in the Punjab.

65. The only other specific suggestions which we need mention in this connection are those of the Punjab Ministers who recommend the reduction of the qualification for the rural franchise in that province from assessment to Rupees 25 land revenue to assessment to Rupees 5 land revenue and also the enfranchisement of the agricultural tenants. Tenants with a right of occupancy under the Punjab Tenancy Act of 1887 in respect of land assessed to land revenue of not less than Rupees 25 per annum are already enfranchised in the Punjab. The Ministers do not give any specific information as to how they would further enfranchise the tenants, nor do they indicate what would be the probable result of making the change which they recommend as regards assessment to land revenue on the number of electors for the rural constituencies. The Punjab Government state that there is no problem of tenancy legislation in the Punjab, and a large addition to the agricultural vote might compel an increase in the number of rural constituencies and add to the difficulty in which urban representation now finds itself. We are for these reasons unable to endorse the recommendations of the Punjab Ministers.

Women's franchise.

66. The Joint Committee considered that it should be left to the legislative councils to settle by resolution whether women should or should not be admitted to the franchise. The Committee stated that it seemed to

them that the question went deep into the social system and susceptibilities of India, and to be one which could only with any prudence be settled in accordance with the wishes of Indians themselves as constitutionally expressed. In several of the provincial councils, but not all, and in the Legislative Assembly the necessary resolutions to remove the disqualification for being an elector which is due to sex have been passed. The effect of these resolutions is that women are not disqualified by their sex from exercising the franchise in constituencies of those councils, and also in constituencies of the Legislative Assembly belonging to those provinces. So far as all provinces, except Burma, are concerned we would retain the general position in regard to the removal of the disqualification from being an elector, namely, a resolution must first be passed in the legislative council after not less than one month's notice has been given. We observe, however, that the electoral rules for the Legislative Assembly do not provide for the removal of the disqualification in the case of the two constituencies of Delhi and Ajmer-Merwara. This arises from the fact that the passing of a resolution in the Legislative Assembly only has the effect of removing the disqualification for registration as an elector for women who are not disqualified for registration as electors for the legislative councils of their province, and there are no legislative councils for Delhi or Ajmer-Merwara. We consider this to be a *casus omissus*, and we would rectify it by the inclusion of a proviso on the lines of the provisos in the Electoral Rules for the provincial councils.

Eligibility of women to be members of the legislatures.

67. The question of the eligibility of women to be members of the various legislative bodies in India has also been raised. Indeed in this connection we received a deputation of ladies who urged their case upon us with much skill. Except for the Burma Legislative Council the rules at present prohibit this. The difference between Burma and the remaining provinces in this respect is due to the exceptional position which it is understood is occupied by women in the life of that province. The reforms were introduced there two years after their introduction in India and after an enquiry by a special committee. On the recommendations of that committee no disqualification on account of sex for registration as an elector was introduced in the Burma Electoral Rules, and it was further provided that by the passing of a resolution in the council the disqualification from being a member of the council might be removed. We consider that it would be in conformity with the dictum of the Joint Committee, which we have quoted in the preceding paragraph, to provide similarly in the Electoral Rules for each provincial council for the removal of the disqualification from being a member of the council, and further in

the Electoral Rules for each chamber of the Indian legislature for the removal of the disqualification from being a member of the chamber concerned for a constituency in a province in which sex is not a disqualification for such membership. The provision should apply both to elected and nominated members of all the chambers, and provision should be made for the Delhi and Ajmer-Merwara constituencies of the Legislative Assembly on the same lines as for the provincial councils. We would require that the resolutions to be passed for the purpose should be, in addition to the resolutions necessary for the removal of the disqualification for being an elector in any of the legislative bodies concerned.

### B.—*The Provincial Legislative Councils.*

Constitution of the provincial councils.

68. We have received the following recommendations in regard to the constitution of the provincial councils which we consider may be conveniently dealt with together as they are connected one with another.

(i) At the present time the landholders in the United Provinces have been given special representation in six seats divided between three constituencies. Of these seats, four have been assigned to the Taluqdars constituency, the electors of which consist of the members of the British Indian Association of Oudh, and the remaining two seats are assigned to the landholders of Agra divided territorially into two constituencies. Though Mr. Chintamani recognises that the landlords have secured the majority of the seats allotted to rural areas, he does not suggest that this special representation should be withdrawn. He considers, however, that the seats should be redistributed as follows :--

(*a*) two to the members of the British Indian Association;

(*b*) three to the landholders of Agra; and

(*c*) one to the landholders of Oudh who are not members of the British Indian Association.

(ii) The Bihar Provincial Kisan Sabha recommend that the special landholders' electorates should be abolished or in the alternative the tenants should be given special representation.

(iii) Mr. Chintamani recommends that the number of seats for urban areas should be somewhat increased without curtailing the number allotted to rural areas, with the motive not of securing that the towns shall prosper at the expense of the villages but of improving the legal position of the tenants.

(iv) The Hon'ble Sir Abdur Rahim recommends the abolition of all special constituencies except those for Europeans and the Universities.

(v) Mr. Kelkar is opposed to the special representation accorded to the landholders, and he is not prepared to introduce as a counterpoise special representation for the tenants. On the other hand, for other reasons, he would abolish the urban representation in the Central Provinces for towns other than Nagpur and Jubbulpore.

(vi) The Central Provinces Government recommend that an additional constituency should now be constituted for the Mandla District. The Local Self-Government Act has been extended to this district and the local government therefore consider that the inhabitants may now be given the right to vote for the local council. They would leave Mandla town in the separate urban constituency which is comprised of small towns in the Jubbulpore Division, and they would delete the entry in the rules which provides for the representation of this District by nomination.

(vii) The Central Provinces Government also make a minor recommendation for the redistribution of the area of the Buldana District in Berar between the two constituencies into which that district is divided.

We do not consider that it is necessary for us to make any recommendations regarding the seventh proposal which will doubtless be considered by the Government of India. The remaining proposals are clearly to some extent mutually conflicting. We have not sufficient information to justify us in recommending the redistribution of the landholders' constituencies in the United Provinces. We agree also with Mr. Chintamani that special representation for the landholders should be retained for the present in view of the fact that the Government of the United Provinces in another connection observe that the landholders have been a steadying influence in that province; they have filled a large part in its economic and political life; and their disappearance or impoverishment would gravely impair those forces upon which the stability of the country depends. We are also not prepared to recommend that special representation for tenants should be provided. It is, we think, doubtful whether such a recommendation is feasible, and in any case we consider that normally the tenants will be able to secure sufficient representation through the general constituencies. So far as Sir Abdur Rahim's recommendation is concerned, we observe that as we would retain landholders' seats we are also not prepared to recommend the abolition of other special seats. In regard to Mr. Kelkar's recommendation we agree that normally a number of disconnected small urban units does not constitute a suitable electoral unit. We are, however, not prepared at present to recommend any modification of the system. We agree with the Central Provinces Government that

an additional constituency comprising the Mandla District may now be created. We understand, however, that one reason why Mandla Town was included in the urban constituency of small towns in the Jubbulpore Division of the Central Provinces was the fact that the Mandla District was not to be represented in the council by election, and, for the reason indicated in our remarks regarding Mr. Kelkar's recommendation, the question of whether this town should not be excluded from the urban constituency to which we have referred and be included in the proposed Mandla District constituency appears to be worthy of consideration. As observed by the Government of the Central Provinces it will be unnecessary to continue the provision for nomination of a member to represent the Mandla District which is now contained in the rules. We consider, however, that these are all questions which we may suitably leave to the decision of the Government of India.

Communal representation.

69. A question of much greater importance is undoubtedly that of communal representation in the councils. In this expression we include not only the communal representation which has been provided for the Muhammadan, Sikh, Indian Christian, European and Anglo-Indian communities (and, in Burma, the Karen and Indian communities), but also the modified system of communal representation which has been provided for the non-Brahmin community in the Madras, and for the Mahratta community, in the Bombay councils. We have received conflicting evidence on this question from the witnesses before us which we consider, it is unnecessary for us to summarize in detail. On the one hand it has been urged that the election of members on a communal basis is a very serious obstacle in the way of constitutional advance, and further that so far as the Mahratta community is concerned—and we presume similar arguments would be adduced in regard to the non-Brahmin community—the experience of the elections has indicated that the system of reserved seats is unnecessary, as the communities concerned would return a due proportion of the members without any such reservation of seats. On the other hand the supporters of the existing provisions have been equally emphatic in their condemnation of any attempt to tamper with the protection which they consider is afforded to the communities concerned by these provisions. The latter view is particularly pressed by the Muhammadan community. It must be admitted that in principle these provisions are open to constitutional objection, and most of us look upon them as an obstacle to political advance, but we consider that the abolition of any special communal electorates, and in this we include reserved seats, is quite impracticable at the present time. The objections of the

communities concerned are, in our opinion, far too deep-rooted to enable us to justify any recommendation in this respect. We are not prepared either to recommend even the substitution, in whole or in part, of reserved seats for separate electorates. It is true that it may be urged that this would facilitate the eventual abolition of separate communal representation. On the other hand, however, it means that the representatives of the communities which attach particular importance to the existing provisions will be elected largely by the suffrages of other communities. We are also unable to accept the recommendation of Mr. Sapre that the present system should be replaced by a system under which the existing quota of communal members would be elected from as wide a constituency as possible. The object of the recommendation is to improve the quality of the members by enlarging the field of choice, but in existing circumstances we consider that this would place too great a strain upon the capacity of the electorate. We consider that great care should be exercised before any extension of the existing scope of the system of separate electorates and of reserved seats is permitted. We have admitted the necessity in present conditions of retaining such provisions in the case of the communities which have already received favoured treatment in this respect. We are therefore unable definitely to preclude an extension of the provisions in the case of any particular community which may be able to furnish substantial grounds for such an extension. We trust, however, that no such extension will be found to be necessary, and in our opinion before it is permitted any community should be required to prove that it will suffer very appreciably if the existing arrangements continue.

Plural constituencies.

70. Mr. Ghuznavi has recommended that plural constituencies should be abolished. On the one hand such constituencies may facilitate the obtaining of representation by different communities which is an advantage in a country where the population is so heterogeneous as India. On the other hand by increasing the size of the constituencies they tend also to increase the difficulties due to the want of training of the electorate. We consider it is impossible to suggest the formulation of any rule of universal application in the existing circumstances of India, and we are therefore unable to make any recommendations in this respect.

Qualifications for being a candidate for election.

71. At present it is provided in all the rules that a candidate for election shall be at least 25 years of age. This applies to both chambers of the central legislature also. We have received some recommendations that this age should be increased, but we are unable to support them. We observe that

in England a minor was disqualified for election to the House of Commons by a statute of William III, but this is the only restriction on account of age and in some cases breaches of it have been connived at. We would mention in this connection Mr. Kelkar's recommendation that candidates for election should be required to produce proof of educational and administrative qualifications. We consider that it would be impracticable to include such a provision in the rules. It would at least necessitate further consequential provisions in regard to the power, or otherwise, of Returning Officers and of Election Courts to question the evidence produced as to such qualifications.

The European Association also refer to difficulties which have been experienced in the selection of suitable European representatives on the councils because of difficulties attendant on nomination during the absence of a suitable candidate from India on leave and because of the six months residential qualification. In the amendments of the electoral rules which were made in 1923 the absence of a candidate from India at the time of nomination or election would appear to have been contemplated. All that is necessary is for a candidate to sign a nomination paper before he leaves India and to leave it with his proposer or seconder. So far as the six months residential qualification is concerned, the recommendation is that an all-India residential qualification which should not be affected by temporary leave of absence from India be generally adopted for European representatives. The circumstances of these special constituencies are exceptional, and we think in their case the suggestion should be given effect to. The question of the residential qualification of candidates is also raised by the Punjab Ministers who say that the rules should be modified so as to secure that the townbred educated people and the capitalist do not monopolize the councils. The residential qualification for candidates for election to the Punjab council was removed in the revision of the rules which preceded the general elections of 1923, and we should hesitate to suggest its restoration. The Punjab Government also in our opinion give a complete answer on this point, when they say that for the first general election it gave the rural representatives an entree from which they have not been dispossessed, and there appears to be no adequate reason for restoring it.

Disqualification from being a candidate for election.

72. The Hon'ble the Raja of Mahmudabad suggests that convictions by a criminal court for offences not involving moral turpitude should not be a disqualification for membership of the legislative bodies in India. At present any conviction which involves a sentence of more than six months constitutes a bar to election, unless the offence has been pardoned, for a period

of five years from the date of the expiration of the sentence. We are not prepared to recommend the introduction of any provisions in the rule which would differentiate between offences involving and offences not involving moral turpitude. We consider that the attempt to provide such a distinction is unsound in theory and almost impossible in practice. We, however, consider that it is inadvisable to require that the offence should be pardoned before the disqualification is removed. The disqualifications under other provisions of the rule can be removed by orders of the local government in this behalf, and provided arrangements are made to secure that there shall be uniformity of action in regard to particular persons in different provinces we consider that similar provisions should suffice in regard to this disqualification also. We also consider that the period of six months is too short, and that it should be increased to one year. This period has a precedent in the similar provision in the South African constitution.

Appointment of nominated members.

73. This brings us to those members of the legislatures who are not elected members, and in respect of them we have but few observations to make. The non-elected members consist of the non-official and official nominated members and occasionally, for particular legislative proposals, of nominated experts, who may be either officials or non-officials. In the existing circumstances of India, nominated non-officials are required in order to secure the representation of classes and interests which may be unrepresented or inadequately represented by the elections. At present these members are nominated by the Governor, and we agree that the Governor must remain responsible so as to secure that the main object of such nomination in the constitutions of the councils is not defeated. We are accordingly unable to support the recommendation of the Indian Members of the Bombay Executive Council and the Bombay Ministers that these members should be nominated by the government as a whole. There is no provision in the Act corresponding to the provision in section 72A to enable experts to be nominated to be members of either chamber of the Indian legislature. If the expert whom it is desired to nominate to either chamber for the purpose of a particular Bill is an official it is always possible for government to direct another official member to resign so as to enable the expert to be nominated in his place, but this is not possible in the case of a non-official expert. Even in the case of an official expert also we doubt whether it can always be advisable to nominate him to be a member of the chamber concerned for all purposes. We imagine that provision for such experts was omitted from the Act by an oversight, and we recommend that the Act should be amended to enable experts to be nominated to either chamber

of the Indian legislature in the same way as they may be nominated to a provincial council. Such experts should only, as in the case of the provincial councils, have the rights of members in relation to the Bill for the purposes of which they were nominated to be members.

The official bloc.

74. We have received several suggestions in regard to the presence of official nominated members in the provincial councils. They usually take the form that the officials should not be members or, in the alternative, that they should not vote on the transferred side. In regard to these suggestions there have been allegations that Ministers have been frequently retained in office merely by the votes of the official members. So far as the Punjab council is concerned there is, in the written evidence of Sir John Maynard, an interesting analysis of the voting in important divisions affecting transferred subjects. It will be observed that out of the 15 divisions referred to, the official vote determined the result in 8 instances. So long as there are practically no parties, except the Swarajist, united by strict party discipline in India, and particularly so long as the Ministers' main support is obtained from members loosely grouped who do not even form a majority in the council, such a result is to be expected. We are unable, however, to support the view that officials should be excluded from the councils or that they should not vote on questions relating to transferred subjects. Had dyarchy in the legislature been established, and had legislation affecting the transferred side and the appropriation of transferred revenues been assigned to a transferred legislature, officials would not have been included amongst the members of that legislature. It may be that this would have encouraged the growth of the responsibility of the Ministers to the council. We have, however, a system of single provincial legislatures, and, as the legislature deals with reserved as well as with transferred subjects, we consider that officials must be members. So long also as they are members we are agreed that they must have the full rights of members. We recognise also that in the circumstances to which we have referred in paragraph 60, government must have the power to direct its officials as to the manner in which they shall exercise their votes upon particular questions before the council.

Miscellaneous suggestions regarding elections, election offences, and the like.

75. There are certain further miscellaneous suggestions relating to elections, election offences and the like, which we may summarise as follows :—

(i) Mr. Ghuznavi suggests that the arrangement by which an illiterate voter whispers to the polling officer the

name of the candidate for whom he wishes to vote has been abused, and some other system of recording votes in such cases should be introduced.

(ii) Mr. Ghuznavi suggests that it should not be an election offence, either to use hired conveyances or to supply refreshments.

(iii) The Parliamentary Muslim Party of the Legislative Assembly suggests that it should be illegal for any party or organization belonging to another community to interfere with the election in any Muhammadan electorate. In his oral evidence the representative of the Party indicated that the interference complained of would extend to the payment of the election expenses of a candidate by a mixed Hindu-Muhammadan party organization.

(iv) The Bengal Government say that it is not clear whether Commissioners appointed to hold an enquiry into an election petition are required to submit a report in regard to an election petition which has been withdrawn; and further urge that there should be some restriction upon the power of electors to submit under rule 48 a point regarding the interpretation of the Electoral Rules for the decision of the Governor.

(v) Sir P. C. Mitter recommends an addition to the oath now required from members before they take their seats to the effect that they will, to the best of their ability, try to work the constitution and not paralyse the administration by obstructing its working. He would allow petitions to be filed before a special tribunal alleging that this oath had been broken, and on a finding in that sense would allow the tribunal to remove the member from his seat.

As regards the first suggestion, apart from certain prescriptions in the rules, arrangements as to the manner in which votes are to be given by voters generally and particularly by illiterate voters or by voters suffering from a physical or other disability is a matter of regulation, which can be varied by the local government. The arrangements in regard to illiterate voters do in fact vary from province to province. We note that in the rules under the Ballot Act the presiding officer at a polling station is required, *in the presence of the agents of the candidates*, to cause the votes of such persons to be marked on the ballot paper in the manner directed by the voter. If the candidates for election in India arrange for the presence of the one representative they are usually allowed at each polling station, and this procedure is adopted, the difficulty referred to by Mr. Ghuznavi should be surmounted.

As regards election offences the provisions in the rules follow generally the English law on the subject with certain omissions. For example, the prohibition of the hiring of conveyances repeats in substance the English law contained in section 14 of the Corrupt and Illegal Practices Prevention Act, 1883. In India, as in England, it is possible for the candidate to convey voters to the poll in conveyances lent gratuitously, and for which the owners meet all charges, provided the conveyances are not usually kept for the purpose of letting on hire. We consider that it is a sound rule in these matters to follow generally the English provisions, which have been adopted after long experience, and we are unable to recommend any modification of the existing provisions in the Electoral Rules on the lines of the second suggestion of Mr. Ghuznavi.

We are also unable to support the suggestion of the Parliamentary Muslim Party which we have repeated above. Such a rule would in our opinion tend to prevent the constitution of parties except on strictly communal lines, and it would thus not be calculated to promote the development of responsible government in India.

We fear we have failed to grasp the first point made by the Bengal Government which is summarized in the fourth suggestion above, and we are not prepared now to make any specific recommendations regarding the second point included in the same suggestion. We think, however, that it is a matter which might be considered by the Government of India.

Finally, we are satisfied that the fifth suggestion, which was made by Sir P. C. Mitter, is impracticable. The line between constitutional obstruction of the policy of the Ministers and the obstruction which Sir P. C. Mitter seeks to prevent is so difficult to draw that we think the proposed tribunal would be set a most difficult, if not an impossible, task in arriving at a finding upon any petition filed before them under the suggested provisions.

The President.

76. Two *ex*-Ministers from Bengal have recommended that the period for which the Presidents of the council are to be appointed by the Governor should be extended. In one case the recommendation is that the extension of the period should be for four more years and in the other case for the life of two more councils. The period of appointed Presidents is now rapidly drawing to a close, and we are not prepared to recommend that a provision deliberately inserted in the law should be altered to meet possible difficulties. When a President of a council has been elected and takes office, the question will arise as to whether this office will be an office in the service of the Crown in India acceptance of which will involve the vacation of the member's seat in the council. The Madras Government state that doubts have arisen also as to whether the Deputy President and also

Council Secretaries accept office on appointment. In our opinion acceptance of none of these appointments should be regarded as acceptance of office within the meaning of sections 63E and 80B of the Act. If there is any real doubt on the question, this could possibly be settled by the amendment of the Non-official (Definition) Rules, and we commend this point to the consideration of the Government of India.

77. We turn now to the provisions relating to the exercise of the powers of the local councils, and in this connection we shall refer to points raised in connection with the following matters :

(*a*) The asking of questions;

(*b*) Resolutions and other motions;

(*c*) Legislation; and

(*d*) The appropriation of supplies.

There is, however, a preliminary general observation contained in the evidence of Mr. Kelkar to which we will first refer. He stated that a great deal of useless work, which is not at all of provincial importance, is brought before the council in the shape of questions or resolutions, and that if this tendency shows signs of increase, the rules will have to be amended with a view to restrict the council work to matters of provincial importance or to such other matters as involve broad questions of principle and policy. In our opinion, this is a general criticism of representative government which no amendment of the rules will meet, and its remedy is to be found only in the good sense of the legislature itself and in the exercise of the power of the Chair.

Questions.

78. The Madras Government suggest that the legislative rules should be amended so as to restrict the right of putting supplementary questions to starred questions only. They also recommend that the number of starred questions which a member may ask at one sitting of the council should be limited. We consider that this suggestion relates to a matter of procedure which should be settled by the standing orders of the council. A witness has also suggested that a Governor should have no power to disallow questions or resolutions or motions of adjournment. In regard to questions the power of disallowance is primarily in the President, and the Governor only decides doubts as to whether a question does or does not fall within the limited categories of questions which may not be asked. In the case of resolutions and motions for adjournment, we consider that it is not possible to cast upon the President the duty of deciding that a resolution or motion cannot be moved without detriment to the public interest or whether a matter is primarily the concern of one government or another. We are therefore unable to support this suggestion.

Resolutions.

79. The suggestion that resolutions adopted by the councils should be binding upon government, which has several times been made in the past, has been repeated by witnesses before us. We have no hesitation in rejecting the suggestion, whether it is applied to reserved or to transferred subjects. A resolution should be an expression of the view held by the local council upon a particular subject. We believe that in no legislature do resolutions bind the executive, and we are further of opinion that no government while holding office could reasonably be compelled to give effect to resolutions of which it did not approve.

Other motions.

80. We now come to the important point of the manner in which the responsibility of the Ministers to the local councils is to be enforced. It is of the essence of a system of responsible government that the Minister shall be responsible to the council and the members of the council shall be responsible to the electorate. At present the local councils may definitely control the action of the Ministers by means of legislation. They may also control their administration by refusing them supplies or by moving the reduction of their salaries. The council, however, normally exercises its powers of appropriation only once a year, and we consider that some further procedure is required. The existing rules appear to us to be defective in this respect, as they do not provide for motions of no confidence and other motions of a similar nature. We must not, however, place the Ministers in such a position as would compel their resignation on all occasions when criticisms of their policy are endorsed by the local council. In our opinion the rules should provide for two classes of motions :—

(*a*) a motion of no confidence ; and

(*b*) a motion questioning a Minister's policy in a particular matter.

The former motion, if carried by the council, should necessarily involve the resignation of the Minister, or of the whole Ministry if it holds itself to be jointly responsible in regard to the particular question. The carrying of a motion falling within the second class should not necessarily involve the resignation of the Minister. It should depend upon the magnitude of the question in issue and the importance which the Minister attached to his policy in regard to it. We consider that it will further be necessary to provide that such motions are not frivolously moved, but that when set down on the paper they should come up for discussion at an early date. We do not think

that there should be any right of immediate discussion or even of having them set down on the next business day, as we think it desirable that a few days should elapse before the motion is discussed. For these purposes we would therefore provide, in analogy with the provisions in the standing orders relating to motions for the adjournment, that if the person who gives notice of the motion is able to show that he has the support of a prescribed number of the members of the council who are present, the President shall direct that the motion shall be included in the list of business on a day not more than 10 days after the date of notice. It will be desirable to prescribe the number of members whose support shall be necessary before the President is required to fix a day for the discussion of the motion. We consider that for this purpose the member who desires to move the motion should show that he has the support of about one-third of the number of members of the council. This is larger than the support required on a motion for the adjournment, but we think the increase is in the circumstances justifiable. We later make a further recommendation for a motion for a nominal reduction of a Minister's salary.

Formal motions.

81. The Madras Government have also recommended that the rules should be amplified so as to provide for formal or ceremonial motions. In our opinion the rulings which have been given by the various Presidents of the councils should have settled the question of the admissibility of such motions by now, and we think it probable that the various Presidents will soon be in agreement in this matter. We are therefore not prepared to make any recommendations in this respect.

Previous sanction to provincial legislation.

82. The principal question which has been raised in the evidence before us in regard to the legislative powers of the councils is the restriction upon those powers due to the requirement of the previous sanction of the Governor General. We have already in the first part of our report alluded briefly to the evidence in this respect. It has been suggested that the provisions requiring previous sanction for legislation dealing with provincial subjects should be repealed, and also that previous sanction should only be required for legislative proposals dealing with provincial subjects which are *specially reserved* for Indian legislation. Particular objection, moreover, has been taken to the requirement of previous sanction for amendments proposed to Bills which have already been introduced in the council and have received sanction. We have carefully considered this important question. It appears to us to be necessary either closely to define the legislative spheres of central and local legislatures or else to retain the doctrine of

previous sanction. The experience of certain federal constitutions in which there has been an attempt to define closely the legislative powers of the central and local legislatures indicates the difficulty which arises if this course is followed. We understand in fact that this is one of the reasons why the doctrine of previous sanction was maintained in India. In our opinion even when the spheres have been more closely defined, some provisions regarding previous sanction will be necessary. Such provisions would apply, for example, to provincial legislation affecting the central legislative sphere. The legitimate exercise of the powers of the provincial legislatures would be unduly hampered without such provisions, and the central government might, on the other hand, be embarrassed for a considerable period by the enactment of laws until their validity could be impeached through the Courts. Our recommendations in regard to the separation of functions will slightly reduce the number of cases in which sanction is necessary, but we are not prepared at the present time to recommend any further attempt to define the legislative spheres. We are further agreed that if the doctrine of sanction is maintained it is essential that sanction should be required not only for Bills to be introduced but also for amendments proposed to such Bills. Otherwise amendments may be moved in a local council and carried which would make the sanction provisions nugatory. We think, however, that as non-official members cannot be expected to be familiar with the law of sanction, local governments should as a matter of course forward Bills and amendments promoted by non-official members for the consideration of the sanctioning authority. This will not prevent a private member endeavouring to obtain the necessary sanction himself if he desires to do so.

83. Though these are our general conclusions on this question, nevertheless, we support the view that the existing law is unduly stringent in some respects and possibly places greater restrictions on the sphere of provincial legislation than was foreseen or intended. We understand indeed that this view is accepted by the Secretary of State, by the Government of India and by the provincial governments. The very wide scope of the existing law of sanction is in fact clearly indicated in the evidence of Mr. Spence, who has informed us that,—"Experience has shown that all Bills of any magnitude, whatever their subject-matter, will inevitably contain provisions in respect of which previous sanction is required under one or other of the clauses contained in sub-section (3) of section 80A,—clauses (*e*), (*f*) and (*h*), being those which have the widest operation." Under the existing provisions it is in fact clear that provisions in provincial laws which have really become stereotyped require previous sanction. Mr. Spence has told us that the Government

of India have proposed that a proviso should be incorporated in sub-section (3) of section 80A in the following sense :—

" Provided that nothing hereinbefore contained shall be deemed to prohibit the local legislature of any province from making or taking into consideration, without the previous sanction of the Governor General, any law satisfying conditions prescribed in this behalf by rules under this Act."

We understand that all local governments have supported this proposal, and we trust that it will be accepted by Parliament. It will then be possible to provide, for example, that the sanction of the Governor General shall not be required for any provision in a Bill which re-enacts a provision of any existing provincial law or of a law affecting the same subject matter in another province. The enactment of a rule-making power on these lines would secure elasticity in the provisions as to sanction and enable advance to be made where advance was expedient and so modify the stringency of the existing law.

84. In section 80C of the Act it is provided, *inter alia*, that no member of a Governor's legislative council may introduce in that council without previous sanction a measure affecting the public revenues of the province or imposing any charge on those revenues. The Government of Madras suggest that this sanction should be available only to the particular member to whom it was granted, for six months from the date thereof, and for the particular council sitting when it was granted. We consider that any provision on these lines should apply not only to the particular classes of Bills referred to in section 80C, but also to all laws for which previous sanction is required. In our opinion, however, the suggested restriction to a period of six months is too stringent and we would omit it. In other respects, we support the recommendation of the Madras Government.

Reservation of provincial legislation.

85. Mr. Chintamani has also objected to the provisions contained in section 81A of the Government of India Act, which enable the Governor to return a Bill for reconsideration, either in whole or in part, together with any amendments which he may recommend, or enable him and in some cases require him to reserve the Bill for the consideration of the Governor General. This witness would retain only those parts of these provisions which enable the Governor or the Governor General to return a Bill for further consideration, which he considers may be useful in obviating resort to the veto by the Governor or by the Governor General. We are not, however, convinced of the feasibility of so curtailing the existing powers; and without them the only course open to the Governor would be either to assent or to refuse assent to a Bill as a

whole. Such provisions are, in effect, a substitute for the selective veto, which has been frequently advocated in the Congress of the United States of America. A President of the United States in a message to Congress, in fact, said in this connection many years ago, "I commend to your careful consideration the question whether an amendment of the federal constitution in the particular indicated would not afford the best remedy for what is often grave embarrassment both to members of Congress and to the executive, and is sometimes a public mischief." Provisions for a selective veto in regard to certain Bills do now appear in the constitutions of at least 37 of the 48 States included in the United States of America. The return of a Bill for the consideration by the legislature of suggested amendments is also provided for in the constitutions of Australia and South Africa and in the constitutions of certain States in America. We consider that provisions of the nature objected to are in conformity with modern constitutional development.

86. In regard to the reservation of provincial Bills the Madras Government further suggest that the following questions should be set at rest by legislation :—

(i) can a Bill passed by one legislative council, to which the Governor has not yet accorded his assent, be returned to a new council for reconsideration in whole or in part?; and

(ii) when a Bill is returned by the Governor, is it open to the council to reject the amendments suggested by the Governor or to pass other amendments?

So far as the existing law is concerned we consider that these queries should be answered as follows :—

(*a*) the Governor in such circumstances has power to return a Bill to the new council; but, in our opinion, he would be well advised to return it for reconsideration in whole, as otherwise he may commit the new council to provisions in the legislation to which it is opposed; and

(*b*) if the Governor returns a Bill for reconsideration in whole, there seems little doubt to us, that amendments may be moved in the council to any parts of it, and also if he returns it for reconsideration in part amendments may be moved to those parts, and further the amendments suggested by the Governor may either be rejected or amended.

If, in fact, the existing law is doubtful, we recommend that it should be made clear to give effect to these views.

87. We may refer here to two miscellaneous suggestions of the Madras Government :—

Miscellaneous suggestions regarding legislation.

(i) there is in the rules no specific provision for the publication of a Bill before introduction though such publication is essential under the Madras Standing Orders; and

(ii) the operation of section 84 of the Act should be amplified so as to extend to the removal of doubts as to the validity of laws passed by legislatures in India, where there may have been technical flaws, in all cases which are *ejusdem generis* with those mentioned in sub-sections (1) and (2) of the section.

We are unable to support either suggestion. The first suggestion is made because of an apparent conflict between the Madras Standing Orders and the rules. We would suggest the remedy is to be found in an amendment of the Standing Orders to bring them into conformity with the rules. The provisions of section 84 appear to us to be sufficiently wide already.

88. The powers of the legislatures, including in this respect the Legislative Assembly, to appropriate supplies are subject to the powers which may be compendiously referred to as the powers of restoration. It is unnecessary for us to specify the varying limitations upon these powers. They are essential elements of the existing constitution, and we are therefore unable under our terms of reference, even if we so wished, to recommend their withdrawal. We are also unable to support the recommendations of the Indian Members of Council in Bombay and the Bombay Ministers that the powers at present vested in the Governor should be exercisable by the Governor in Council, because we consider that Parliament deliberately vested these powers in the Governor as Head of the Government and not in the executive government on either side. We do not support the suggestion of the Bengal Government that the power to authorise expenditure in relation to transferred subjects should be extended in certain specified cases, though we admit that in the case of one item, expenditure by the Public Works Department on buildings in connection with reserved subjects, the suggestion has received the support of certain *ex*-Ministers. Sir P. C. Mitter has made an interesting suggestion in regard to this question, to which we think it advisable to refer. He would permit the

Powers of appropriation.

Governor, or the Governor General, as the case may be, in lieu of the existing provisions, to authorise expenditure which has not been granted to the extent of the total amount of the previous year's budget, and in the case of the Legislative Assembly to five per cent. above the amount of the previous year's budget. This suggestion is based upon the provisions of the Japanese constitution but would involve an amendment of the Act that is beyond the scope of our reference.

89. The Bengal Government raise a point regarding the rules for the voting of grants. In section 72D of the Act it is provided that the council may assent or refuse its assent to a demand, or may reduce the amount therein either by a reduction of the whole grant or by the omission or reduction of any of the items of which the grant is comprised. This provision does not provide specifically for a motion for the omission of a whole grant and apparently distinguishes between "reduction" and "omission". The legislative rules on the other hand provide that motions may be moved to omit or reduce any grant or any item in a grant. That is, they provide specifically for a motion to omit a whole grant, and in this respect they offend against the normal rule that the direct negative of a motion before the House may not be moved. The Bengal Government refer to a case in which a member moved for the omission of the whole of a grant, and his motion was lost; but when the original demand was put to the vote, that motion was also lost. We consider that the rule should be amended to provide that "Motions may be moved at this stage to reduce any grant or to omit or reduce any item in the grant." On this view a similar amendment would be required in Indian Legislative Rule 48. An amendment on these lines will not, of course, detract from the powers of the legislatures concerned, as it will always be open to them to reject the whole demand by negativing the substantive motion when it is put.

Life of the councils.

90. At the present time the life of the provincial councils and of the Legislative Assembly is restricted to 3 years. We have received evidence to the effect that this period is too short and should be extended to 5 years. The main considerations to be urged for and against the existing provisions are, on the one hand, that an increase of the period would correspondingly reduce the training of the electorate, and, on the other hand, that three years is too short to enable the Ministers to carry out any policy which they may be developing early in their period of office and is also a short period for the training of the members of the council. We consider that the existing provisions should be retained.

Powers, privileges and immunities.

91. It has not been suggested to us from any source that the legislatures in India should be provided with a complete code of powers, privileges and immunities as is the case with most of the legislatures in other parts of the Empire. The matter has been generally dealt with by the enactment of a provision in their Acts of Constitution enabling the legislatures to define their own powers, privileges and immunities, with the restriction that they should not exceed those for the time being enjoyed by the British House of Commons. Eventually no doubt similar provision will be made in the constitution of British India. But we are of opinion that at present such action would be premature. At the same time we feel that the legislatures and the members thereof have not been given by the Government of India Act all the protection that they need. Under the statute there is freedom of speech in all the legislatures and immunity from the jurisdiction of the Courts in respect of speeches or votes. Under the rules the Presidents have been given considerable powers for the maintenance of order, but there the matter ends.

We think that members of the legislatures in India should be exempt from sitting as jurors or assessors in criminal trials. This can be secured by the ordinary law under which local governments already possess power to exempt classes of persons. The position may be made even more secure by an amendment of section 320 of the Code of Criminal Procedure, 1898, so as to include members among the permanent exemptions.

Similarly we think that the Code of Civil Procedure, 1908, might well be amended for the purpose of granting to members immunity from arrest and imprisonment for civil causes during the sessions of the legislatures and for periods of a week immediately preceding and following actual meetings.

Derogatory comments on the proceedings and conduct of the Chambers in India would probably be regarded from the point of view of the British Houses of Parliament as the most common form of breach of privilege at the present time. No party, whether government or non-official, is exempt from strictures of this character. As the government and the legislatures become more truly responsible, it may be necessary to provide some check on the liberty of the press in this respect. But we are not at present prepared to advocate any step in this direction.

We are given to understand that there are at present no means of dealing with the corrupt influencing of votes within the legislature. We are unanimously of opinion that the influencing of votes of members by bribery, intimidation and the like should be legislated against. Here again we do not recommend that the matter should be dealt with as a breach of privilege. We advocate that these offences should be made penal under the ordinary law.

It is common knowledge that recently one of the High Courts was moved to intervene and did in fact intervene for the purpose of preventing a President from putting a certain motion to the council. An appeal for the purpose of deciding whether the Court had jurisdiction to issue an injunction on the President was disposed of on other grounds, and unfortunately the question is still unsettled, except in so far as it has been answered in the affirmative by a single judge. We have no hesitation in recommending that the matter should be placed beyond doubt, and that legislation should be undertaken either in England or in India barring the Courts from premature interference with the Presidents of the councils. We do not of course suggest that the Courts should be debarred from deciding on the validity of any action already taken in the legislatures.

Our attention has been invited to the fact that under section 110 of the Government of India Act the immunity granted to the Governor General, the Governors and the other high officials mentioned therein is incomplete and unsatisfactory. They are exempted merely from the original jurisdiction of the High Courts and though this may have been a sufficient provision in times when the Government of India was permanently located at Calcutta, it is of little value in the present day. We think that, if the immunity is to be maintained, it should be made complete, and that the jurisdiction of all Courts should be barred in respect of the matters referred to in clauses (*a*), (*b*) and (*c*) of sub-section (1).

### C.—*Division of Functions.*

92. The division of functions between the central and provincial governments and between the reserved and the transferred sides affects the functions both of the provincial legislatures and also of the provincial executive governments. We propose, therefore, to refer to this question before dealing with our recommendations in regard to the provincial executive governments. The main question is whether any existing reserved subjects should be transferred to the administration of Ministers. The local governments, except in regard to the two subjects in Assam, to which we shall refer, and most of the Indian witnesses before us, though their arguments differ, have arrived at the same conclusion in this respect, namely, that no further subjects should be transferred to Ministers at the present time. We are all satisfied that no recommendations which we may make within the terms of our reference will satisfy all sections of political opinion. We are, however, agreed that this is not a complete answer to the question which has been referred to us. We, moreover, hold the view that a considerable volume of Indian opinion recognises that the transfer of more subjects will effect a constitutional advance. We therefore consider that if there are

subjects which can be transferred, without disturbing the balance of the constitution and without affecting the basis upon which stable government depends, and which will afford a further field of activities to the Ministers, there is a *prima facie* reason for the transfer of such subjects, and it is in the light of this opinion that we have examined the list of provincial subjects.

Detailed recommendations for the transfer of subjects.

93. We now proceed to detail our recommendations in regard to the subjects mentioned in the schedule of provincial subjects annexed to the Devolution Rules. We have no recommendations to make for the transfer of any subjects which we have not mentioned; but as a general minor recommendation we recommend that the two schedules should be examined and the lists should be rearranged on a more logical basis. We would point out, for example, that it is not possible by an examination of the list of provincial subjects to ascertain which of those subjects are reserved without a reference to the list of transferred subjects, and again some of the minor subjects specifically mentioned, for example, coroners, seem already to be included within the scope of larger subjects.

*No. 5. Education.* This subject is already a transferred subject with certain limitations. The only limitations which we consider can be modified at present are those contained in clause (*b*) of the description, which relate to the portions of the subject which are subject to legislation by the Indian legislature. These are divided into three heads. The third head relating to the Calcutta University and secondary education in Bengal is now nearly spent, and the restriction in it need not continue. The utility of the first head regarding the control of the establishment, etc., of new Universities is also in our opinion exhausted. The provision was framed about the time that the report of the Sadler Commission was under examination, and since then several new Universities have been established by Acts of local legislatures. The exclusions from the provincial subject contained in clause (*a*) of the description will also permit Universities of a central character in Governors' Provinces to be constituted by Acts of the Indian legislature. We therefore recommend that the first head in clause (*b*) should now be deleted. The second head must be retained as it relates to powers which could not validly be given to a University by the local legislature.

*No. 7. Irrigation.* The description of the subject includes many items besides irrigation proper. A majority of us are of opinion that the whole subject is so closely connected with the Land Revenue as to be inseparable from it and further that in the case of large new projects it is essential that there should be control. We, therefore, recommend, by a majority, that the subject should

not be transferred, but this recommendation is subject to the reservation that the question may be further considered in a particular province where special circumstances may render it desirable to transfer any item included under this description.

*No. 8. Land Revenue.* We recommend that no change should be made. We consider that this subject is the basis of the administration, and further that as the agency is the same as for Law and Order, the subject should only be transferred when Law and Order is transferred.

*No. 12. Fisheries.* This subject is transferred in all provinces except Assam, and the local government is prepared for it to be transferred in Assam also. We recommend that this action should be taken.

*No. 14. Forests.* This subject is transferred in Bombay and Burma, and, though other local governments object to the transfer, we find it difficult to assign any grounds of principle for opposing the transfer in other provinces also. We recommend that it be transferred in other provinces now unless any local government on examination of the position can make out a convincing case against the transfer in its own province.

*No. 15. Land Acquisition.* The *prima facie* reasons for not transferring this subject are not very clear. A difficulty has however been pointed out to us in connection with the acquisition of land for the central government. We ourselves see no objection to the transfer of this subject in so far as it relates to purely provincial land acquisition, but this is a matter on which the provincial governments should be definitely consulted before any action is taken.

*No. 16. Excise.* The subject is transferred in all provinces except Assam. The local government does not object to, and we recommend, its transfer in that province.

*No. 18. Provincial Law Reports.* The subject is so intimately concerned with the High Courts that we consider a reference should be made to them before a final decision is arrived at, but, subject to this reservation, we ourselves see no reason why the subject should not be transferred.

*No. 26.* Industrial matters included under the following heads, namely :—

(*a*) factories;

(*b*) settlement of labour disputes;

(*c*) electricity;

(*d*) boilers;

(*e*) gas;

(*f*) smoke nuisances; and

(*g*) welfare of labour, including provident funds, industrial insurance (general, health and accident), and housing;

subject as to heads (*a*), (*b*), (*c*), (*d*) and (*g*) to legislation by the Indian legislatures.

We have repeated the full description of this subject because our recommendations involve that the various heads of which it is composed should be treated differently. We recommend that (*d*) boilers, (*e*) gas, and housing from amongst the questions referred to in (*g*) should be transferred, those which are now subject to legislation by the Indian legislature continuing to be so subject after they have been transferred. The main reason why we have decided that certain of the heads should be retained as provincial reserved subjects is that the central government is concerned in the administration of the heads retained as reserved subjects and can maintain a control which would be lost if they were transferred. This is particularly the case in regard to factories, settlement of labour disputes and welfare of labour, including provident funds and industrial insurance. We are agreed that legislation on these matters should be conducted on uniform lines. It might be urged that it would be possible to secure this by the provision that they should be subject to legislation by the Indian legislature. In our opinion, however, in these respects the central government must not only have power to legislate but must also have a corresponding power to carry out its laws. So long as the central government retains its powers of superintendence, direction and control over the administration of the provincial reserved subjects, the classification of these matters as provincial reserved matters may be supported, because the agency for carrying out the duties in connection with these matters is a local agency. We are, however, looking forward to the time when further constitutional changes will be introduced in India, and we are anxious to avoid any decision at the moment which can be regarded as finally deciding that these heads are solely matters of provincial concern. In regard to the remaining matters which we recommend should be retained as provincial reserved subjects, smoke nuisances is a subject intimately connected with factories and electricity is a subject over which it is desirable that there should be an opportunity of central control, at any rate if developments on a large scale are proposed.

*No. 27. Stores and Stationery.* The subject is transferred, but it is subject in the case of imported stores and stationery to such rules as may be prescribed by the Secretary of State in Council. We recommend that this restriction be removed. This will necessitate the deletion of these words in the schedules of provincial and also of transferred subjects.

*No. 43. Provincial Government Presses.* We recommend that the question of whether this subject cannot be transferred should be examined.

Subjects which are subject to legislation by the Indian legislature.

94. It will be convenient at this stage to return to the subject of the control of provincial legislation by the prescription that subjects are "subject to legislation by the Indian legislature." The effect of this restriction is that the central legislature can legislate upon these subjects without restriction, and that the provincial councils can only legislate after previous sanction has been obtained to the proposed legislation. On the other hand, if the restriction is not embodied in the description of any provincial subject, the central legislature can legislate in regard to such subject only if previous sanction has been obtained, and the provincial councils can legislate without restriction. We have recommended in the preceding paragraph one minor modification in the list. This restriction has been very widely attacked, but the only specific recommendations for modification which we have received have been made by Nawab Bahadur Syed Nawab Ali Chaudhury. He recommends that the prescription be withdrawn in the following cases; (i) Land Acquisition, (ii) High Courts, Chief Courts and Courts of Judicial Commissioners and any courts of criminal jurisdiction, and (iii) the Industrial matters in entry No. 26 of the list of provincial subjects which are now subject to legislation by the Indian legislature. In regard to the third class we have indicated in the preceding paragraph reasons why it should continue to be subject to legislation by the Indian legislature, and we also consider that no change should be made in regard to the other two cases.

Central Subjects.

95. We have considered the question of the classification of central subjects as provincial subjects, and we have no recommendations to make, except that we think the words in item 20 of the central schedule which require the order of the Governor General in Council to be made after consultation with the local governments should be modified so as to provide that such order shall be made with the concurrence of the local government or local governments concerned.

## D.—*The Provincial Executive Governments.*

Working of Dyarchy.

96. The framers of the present constitution left much to the growth of conventions, but in the light of the evidence before us we are convinced that the growth of conventions requires a much longer term than the statutory period, and that to ensure the satisfactory working of the Act in the manner in which its framers

intended that it should be worked, more definite provisions are necessary. In the administration of a province there must be many questions which must naturally be the subject of cabinet consultation. In regard to such questions the Joint Committee indicated their view that the habit of joint deliberation between the Members of the Executive Council and the Ministers sitting under the chairmanship of the Governor should be carefully fostered. They observed that there cannot be too much mutual advice and consultation on such subjects, but that they nevertheless attached the highest importance to the principle that, when once opinions have been freely exchanged and the last word has been said, there ought then to be no doubt whatever as to where the responsibility for the decision lay. It was intended that dyarchy should be worked as dyarchy and not as a unitary government; that there should be joint meeting for the purposes of informing one side of the action being taken on the other side of the government, and for mutual influence and discussion; but that it should be clear which part of the government is responsible for any decision taken. The evidence appears to indicate that dyarchy in different provinces, and sometimes at different times in the same province, has been worked in very different ways. In order to secure the working of dyarchy in the manner intended, there should in our opinion be a definite rule under the Act, that is, in the Devolution Rules, which would reinforce the convention that questions of importance should be considered by the Governor sitting at a joint meeting with the Executive Councillors and the Ministers. The decision would be arrived at on the side of government concerned with the subject. In a case of doubt the Governor would decide, as at present, which side was concerned, and the Governor would also decide which cases were of importance. A rule on these lines would correspond with rule 5 of the Fundamental Rules made by the Secretary of State in Council under section 96B of the Act. As it would be a rule under the Act it would supersede any rules of business made under section 49, sub-section (2).

97. At the conference held in Burma at which the questions which have been referred to us were considered, it was recommended that a rule should be inserted as Rule 9A in the Devolution Rules to the following effect :—

> "In all matters whether affecting transferred or reserved subjects, which in the opinion of the Governor involve any question of general policy, the Governor shall, and in all other matters, whether affecting transferred or reserved subjects, the Governor may, order the matter and the question involved to be brought for consideration and decision before a meeting of the Executive Councillors

and his Ministers sitting together. The decision of the majority shall prevail. The provisions of sections 50 and 51 of the Act shall apply to such a meeting. The opinion of the Governor as to whether any matter involves any or what questions of general policy shall be final."

The intention of this draft rule was that in questions which were thus brought for consideration before a meeting of the two halves of the government sitting together the Governor's powers of overruling should be restricted to those contained in section 50, sub-section (2), of the Act. It will be seen that this proposal differs essentially from our recommendation in the preceding paragraph. As stated by the Government of Burma such a rule as that quoted would be clearly opposed to the principle of dyarchy which is based on the theory of the separate responsibility of the Governor in Council for reserved subjects and of the Governor acting with his Ministers for transferred subjects. We are, therefore, unable to support this recommendation.

Joint responsibility of Ministers.

98. Another fundamental question in the working of the provincial executive governments is that of the joint responsibility of Ministers. The difficulties in the way of establishing joint responsibility in India are doubtless great. It is, for example, difficult to select Ministers from a single well organised party, and this is particularly so where the main Hindu and Muhammadan communities are keenly divided in a local council or where there are other communal differences of an acute character. Joint responsibility practically also involves the recognition of a Chief Minister, and the difficulties to which we have just adverted are thereby enhanced; but we do not wish to suggest that these difficulties are insurmountable. We are convinced that joint responsibility of the Ministers is of the very essence of the present constitution. The object of the reforms was not merely to train Indians in administration; that could have been secured by other means. The object was to introduce an approach to cabinet government for the transferred side of the administration, and until this is accomplished, there will be, in our opinion, little training in responsible government. It has been suggested that sub-section (3) of section 52 of the Act implies that the Governor on the transferred side will act on the advice of the individual Minister, but we do not subscribe to this view. There are, however, some provisions in the Rules under the Act and also in the Instrument of Instructions which suggest that the Governor in relation to transferred subjects should be guided by the advice of the individual Minister. Rule 10 of the Devolution Rules and clause III of the Instrument of Instructions are examples of the provisions to which we are referring. We suggest that the Government of India should

examine all the rules and the Instrument of Instructions in order that, where necessary, they may be amended with the object of indicating clearly that the ideal is that the administration on the transferred side should be conducted by a jointly responsible Ministry.

Choice of Ministers.

99. Some of the difficulties in the way of the introduction of a system of joint responsibility in India are indicated by suggestions which have been made in the evidence tendered to us. For example, a witness from the Punjab, who supports joint responsibility, has recommended that the cabinet should be so constituted that no community preponderates in it, and that, so long as there is communal representation in the council, the Minister selected to represent a community should be acceptable to the majority of the members belonging to it in the council. The close ties which are required for a system of joint responsibility can scarcely be expected, if the members of the cabinet are definitely to be chosen both to provide for communal representation in it and also for each Minister to be acceptable to the majority of the members belonging to his community. By this we do not of course mean to suggest that joint responsibility involves by any means the choice of a cabinet from a single community.

Some witnesses have also suggested that the Ministers should be appointed by the Governor from a panel selected by the council. The intention is presumably that the panel should be chosen by a system of proportional representation. It is clear that this system also would not tend to facilitate the growth of the ideal of joint responsibility, and might even operate to prevent its growth. Mr. Kelkar, one of the witnesses who made this suggestion, in the course of his oral examination, admitted that it would serve his purpose if the Governor sent for prominent members of the council and consulted them so as to find out which members have the largest amount of support in the council. He, however, adhered to his view that the panel system would be preferable if the council was divided into two or three equal parties. We are not prepared to support any recommendation on these lines.

Salary of Ministers.

100. Section 52, sub-section (1), of the Act provides that the Minister shall receive the same salary as is payable to a Member of the Executive Council in the province, unless a smaller salary is provided by a vote of the council. The intention was that the Minister's position should bear some relation to that of a Member of the Executive Council, and that he should, therefore, draw about the same salary. In Bengal the legislative council this year has refused to provide any salary for the Ministers, and in the Central Provinces it has provided a salary of Rs. 2 per annum only.

The Bengal Government suggest that it was probably never contemplated that the council would refuse to grant any salaries to the Ministers, and, if it was not intended that the council should have the power of preventing any Ministers being appointed, some amendment of the Act is required, either to restrict the limits within which the salaries of the Ministers may be fixed, or else to give the Governor power to authorise expenditure on the salaries of the Ministers. The Government of Bihar and Orissa have also referred to this point. They state that there is reason to apprehend an undignified and unpleasant situation, if the present provisions are continued. It was never intended by Parliament that the Act should give power to the councils to decide whether Ministers were or were not to form a part of the government, and Parliament did intend that the Ministers should get a reasonable salary. The question is of course connected with the responsibility of the Ministers to the council to which we have referred above. We have made definite proposals with the object of securing that this responsibility shall be real. Nevertheless, we see considerable advantages in retaining also the constitutional position that disapproval of a Minister's policy may be indicated by a motion for the reduction of his salary. We therefore desire to retain this power, and yet to accompany it by provisions which will secure that the Ministers shall receive a reasonable salary. We accordingly recommend that section 52, sub-section (1), of the Government of India Act should be amended in the following respects. In the first place, that section should provide that a Minister of a province should ordinarily receive the same salary as a Member of the Executive Council in that province. Secondly, power should be given to vary by an Act of the local legislature the salary fixed by the section so that it shall not be less than three-fifths of, nor more than, the salary payable to a Member of the Executive Council in that province. In the third place the section should provide for the making of rules to enable a formal reduction of a Minister's salary to be moved at the time of the Demands for Grants as a method of criticising his policy.

Control of the Governor.

101. We have indicated the nature of the evidence tendered to us in regard to the control of the Governor over his Ministers and have included our findings in this respect in Part I. The Governor is empowered by sub-section (3) of Section 52 of the Act to direct in regard to the administration of transferred subjects that action shall be taken otherwise than in accordance with the advice of his Ministers. We agree that this control by the Governor over the Ministers is an essential part of the existing constitution and that we are, therefore, unable, even if we desired to do so, to recommend that the limitation upon the powers of the Ministers imposed by it should be eliminated, and

the Governor be reduced to the position of a constitutional Governor. The Joint Committee stated that the Governor should never "hesitate to point out to the Ministers what he thinks is the right course or to warn them, if he thinks they are taking the wrong course. But if, after hearing all the arguments, Ministers should decide not to adopt his advice, then, in the opinion of the Committee, the Governor should ordinarily allow Ministers to have their way, fixing the responsibility upon them, even if it may subsequently be necessary for him to veto any particular piece of legislation. It is not possible but that in India, as in all other countries, mistakes will be made by Ministers, acting with the approval of a majority of the legislative council, but there is no way of learning except through experience and by the realization of responsibility".

In deciding whether he should not accept the advice of his Ministers it was intended that the Governor should be guided by his Instrument of Instructions. We consider that the Instrument of Instructions does not entirely give effect to the view of the Joint Committee as embodied in the passage we have cited. Clause VI of the Instrument of Instructions, for example, merely provides that the Governor shall have due regard to the relations of the Minister with the legislative council and to the wishes of the people of the province as expressed by their representatives in the council, and this does not indicate that the Governor should normally accept the advice of his Ministers which was, we think, the view of the Joint Committee. We accordingly recommend that clause VI of the Instrument of Instructions should be redrawn so as to provide that, subject to a power of interference to prevent unfair discrimination between classes and interests, to protect minorities and to safeguard his own responsibility for reserved subjects and in regard to the interests of the members of the permanent services, the Governor should not dissent from the opinion of his Ministers. In this connection we would also refer to the existence of the power of resignation, and in regard to it we recommend that provisions, as far as possible following the English practice, should be made in the legislative rules giving a Minister who has resigned the right to make in the council a personal explanation of the causes of his resignation.

Rules of Executive Business.

102. Many suggestions have been made that the rules of Executive Business made by the Governors of the various provinces under sub-section (2) of section 49 of the Act are not in conformity with the intention of the constitution. By the courtesy of the Governors of all provinces we have been enabled to examine the rules which have been made, and we only propose to refer to points where we consider that the rules can be generally amplified with advantage.

(*a*) We think that, where this is not already the case, the rules might, with advantage provide that a Member or a Minister in regard to any case in his own department should be able to make a recommendation to the Governor that it should be considered before the joint cabinet or before that side of the Government which is directly concerned in it.

(*b*) Complaints have been received that the rules under which a right of access to the Governor is accorded to Secretaries and to Heads of Departments have not worked well on the transferred side. As a matter of fact these rights are not confined to that side. Under the present constitution it is not intended that the Governor shall restrict his functions to those of a constitutional Governor. It is only therefore proper that the Secretaries to Government and such permanent Heads of the Departments as are so privileged should acquaint the Governor with the actual course of administration. It should be borne in mind that the Secretaries are Secretaries to Government and not Secretaries to the individual Minister or Member of Council. To remove the suspicion that this right is capable of being used to influence the Governor behind the back and without the knowledge of the Minister we recommend that, where this is not already the case, a rule should be included in the Rules of Business requiring the Secretary in the Department or other officer with a right of direct access, to inform his Minister of every case where there is a difference between them and of all other important cases which he proposes to refer to the Governor.

(*c*) In the present connection we have been informed that in a certain province the Ministers had to ask for an interview with the Governor before it was accorded. We understand that such a procedure is exceptional, and we believe that a special day in each week is generally set apart by the Governors for interviews with their Ministers. This seems to us the correct procedure. Any such arrangement would, of course, be in addition to the right of each Minister to ask for an interview with the Governor on special occasions.

Temporary administration of transferred subjects in an emergency

103. The Bengal Government have raised a minor point in regard to the temporary administration by the Governor of transferred subjects in cases of emergency. Such administration is provided for by the Transferred Subjects (Temporary Administration) Rules made under the proviso to sub-section (3) of section 52 of the Act. Clause (2) of rule 2 of these rules provides that the Governor may in the case of a vacancy in the Ministry, if it cannot be provided for by entrusting the administration of the subjects to an available Minister, himself temporarily

administer the subjects. The Bengal Government suggest that the intention is evidently that the Governor shall have no discretion, but that he must take charge of these subjects in such circumstances. We agree that the word " may " should therefore be changed to " shall ".

In regard to these rules also Sir K. V. Reddi has suggested that the powers of the Governor should be restricted. He would provide that the Governor shall not do anything or make any appointment or initiate any policy which the previous Minister had already objected to or disapproved of. We think it is clear that when conditions arise, as in Bengal and in the Central Provinces at the present time, such a restriction would be impossible. We are accordingly unable to support the recommendation.

Control over the services.

104. We have received many complaints that the control of the Ministers over the services is insufficient. The position is that up to the present the control over the All-India Services has been vested in the Secretary of State in Council. In the future, however, if the recommendations of the Lee Commission are given effect to, the Ministers will be given much greater powers of control. Decisions upon the report of the Lee Commission are about to be taken, and we have, therefore, not examined this question in detail. We must, however, state our definite opinion that it is essential in the interests of India that the position of the services should be safeguarded. We agree that the services should be protected in the exercise of their functions and in the enjoyment of their recognised right and privileges, and we trust that any action necessary to secure this will be taken. We are agreed that it is undesirable that Ministers should have control over recruitment which we would entrust to the proposed Public Service Commission or Commissions.

In connection with this question there is, however, one further point to which we desire to refer, namely, the representation of the various communities in the permanent civil services in India. We recognise this question has a bearing upon the subject matter of our enquiry. The point has been raised by the Muhammadan community in particular. We consider that it is impossible to fix any percentage for the representation of the communities in the services by statutory rule, and the utmost action that is possible, is to arrive at some formula which will meet the point. We think that such a formula might run as follows :—

" In the rules for recruitment Government should provide that, with due regard to efficiency, all communities should receive due representation in the public services."

Our view is that there should be an efficiency bar for each service, and if a due representation of persons who have passed that efficiency bar cannot be obtained from a particular community, it will be clearly impossible to give such representation to that community. Subject to this, however, such representation, if necessary by nomination, should be accorded.

Council Secretaries.

105. We have received some suggestions in regard to the appointment of Council Secretaries. Sir P. C. Mitter, for example, has suggested that in lieu of Council Secretaries whose salaries are voted, Ministers should be given parliamentary private secretaries. He suggests that rules should be framed so as to enable the Governor, in consultation with the Ministers, to appoint such persons. It is not clear that Council Secretaries have hitherto been at any rate uniformly a success. The Central Provinces Government, for example, state that Council Secretaries were appointed, but they did not make their influence felt or win a recognised position. In the opinion of that Government the experiment must be classed as a failure. In Bihar and Orissa also, where a suggestion has been made that Council Secretaries should be appointed to take the place of the ordinary departmental secretaries for work in the council with the motive of eliminating the suspicion of official influence over the Ministers, the Bihar and Orissa Ministers observe that they cannot do without their departmental secretaries who are in constant touch with the departments and are, therefore, in the opinion of these Ministers, in a better position to give them the assistance they need than any Council Secretaries. They think that such appointments will at the most only give a training to some members of the legislative council and even this requires mature consideration. Whatever may be the case as regards Council Secretaries in departments dealing with reserved subjects we think that in departments dealing with transferred subjects they should be able to fill a useful position. They should not only be able to assist the Minister, but they should also be able to obtain a training which should assist in fitting them for future appointment as Ministers. We consider, therefore, that the provision enabling such appointments to be made should be retained for use in those provinces where such appointments are desired. In regard to the appointment of Council Secretaries on the reserved side, we would retain the existing provisions. On the transferred side, however, we think that the Act should be amended so as to provide that the Ministers should make recommendations for the appointment of Council Secretaries for the approval of the Governor, and that the Council Secretaries on the transferred side should hold office during the Ministers' pleasure. It may be constitutionally inexpedient to

provide definitely for the latter provision in the statute. We consider, however, that on the transferred side of the administration the Council Secretaries should hold and vacate office with the Minister. This is one form of patronage, which, we consider, should be vested in the Ministers. When Council Secretaries are appointed we consider that they should receive a reasonable salary, and accordingly, on the analogy of the arrangement we have suggested as regards the Ministers' salaries, we would provide that their salaries should be determined by an Act of the local legislature. It is impossible, we think, in this case to provide in the statute for any limits to the salaries which may be fixed by such Acts. Further, in our opinion, it is unnecessary to provide that there should be any opportunity to reduce the salaries of Council Secretaries during the course of the discussions on appropriation.

## E.—*Finances of the provincial governments.*

The Finance Department.

106. The intention of the Government of India in proposing the constitution of financial departments in the provinces was explained in paragraph 74 of their First Despatch on Indian Constitutional Reforms. They indicated that the withdrawal of external control over finance implied the substitution of effective control within the province. That control was to be provided partly by the Finance Department. The functions of this Department were to be in no sense overriding. The Finance Department proposed by the Government of India was not to be a body that either dictated or vetoed policy. It was required to watch and advise on the financial provisions which are needed to give effect to policy. It was to be able to criticise proposals; to ask for further consideration; to point out defects in methods of assessment and collection; to demand justification for new expenditure; and to press the necessity for economy in regard to expenditure on a particular object. In the last resort, however, the Government of India definitely indicated that administrative considerations must prevail. If the dispute regarding expenditure related to a reserved subject the Finance Member might be overruled by the Governor in Council. If on the other hand it related to expenditure on a transferred subject the Minister in charge of the particular subject was to be able to overrule the objection, taking the full responsibility for so doing. The Government of India explained that in theory in England the Minister concerned would require to obtain the endorsement of the Cabinet to his views in such a case. In an Indian province he would need only the concurrence of the Governor.

107. The provisions governing the constitution and functions of the Finance Department are contained mainly in rules 36 to 45 of the Devolution Rules. The main functions of the Department are described in rule 37. *Inter alia*, the Department is required to prepare the statement of estimated revenue and expenditure and any supplementary estimates or demands which have to be submitted to the vote of the council. The rule provides also that the department should examine and advise on all schemes of new expenditure and should decline to provide in the estimates for any scheme which has not been so examined. This is one of the few overriding powers vested in the Finance Department by the rules. Under rule 38 the Finance Department only has general power to sanction reappropriation from one major, minor or subordinate head to another. Otherwise, generally speaking, it is provided that the Finance Department shall be consulted on proposals involving expenditure, reduction of revenues and matters of a like nature. The reports of the Finance Department are forwarded to the department concerned, and the Finance Department is empowered to require that they shall be submitted to the Governor for the orders of the local government. The Auditor General has definitely indicated that when such a report on an expenditure proposal is received by a Transferred Department, the Minister in charge may overrule the Finance Department, unless the Finance Department has definitely required that the Minister shall refer the case to the Governor. In doing so, of course, the Minister, in the words of the First Reforms Despatch, which we have cited, would take full responsibility. The definite provision that the Finance Department may require that its reports in particular cases should be submitted to the Governor indicates that it is not even necessary for him in all cases to obtain the concurrence of the Governor in the manner suggested in the First Reforms Despatch, though doubtless he would normally, when assuming responsibility for such action, do so.

108. A concrete objection to the control of the Finance Department has been taken by Mr. Ghuznavi in his evidence with reference to the powers given by rule 37 (*g*) (3). Mr. Ghuznavi admits that this provision which requires the Finance Department to decline to provide in the estimates for any scheme which has not been examined by the Department was intended to be a guard against waste, but, he says, that the provision has been found to vest excessive powers in the Finance Department. The working of this rule was definitely referred to by Mr. Marr, Financial Secretary to the Government of Bengal, and he mentioned cases in which provision had been made in the estimates for schemes which had not been fully worked out and the department

concerned failed in consequence to utilise the provisions included in the estimates. We are not in favour of any modification of this provision which we regard as a necessary check upon the waste of public funds.

109. General allegations against the Finance Department are made in the evidence given by Mr. Kelkar, Mr. Chintamani and Sir P. C. Mitter. Mr. Chintamani, for example, referred to the wide scope and vast powers of the Finance Department and also to its importance and its all pervading nature; nevertheless, without committing himself to details, he agreed that control of the nature of treasury control in England is wholesome and necessary. In our opinion, however, the evidence of most of the witnesses against the control of the Finance Department is largely based upon misapprehensions. The control of the Finance Department is not only irksome to officers of the Transferred Departments, but officers of the Reserved Departments and of the central government often experience the same feeling. We are also told that Departments in England are at times equally impatient of treasury control. We are agreed that a control of the nature provided in the Devolution Rules is necessary, and we do not consider that any substantial modification of those provisions can be made.

The Finance Member.

110. Rule 36 provides that the Finance Department shall be under the control of a Member of the Executive Council. This was in accordance with the original recommendations of the Government of India in the First Reforms Despatch where they stated that "convenience and economy both suggest that the whole financial control should be under one roof especially as at the outset the work on transferred subjects will be a small part of the whole. The department should be a reserved one". This provision has been strongly objected to in the evidence adduced before us. We, however, feel that the real objection is not that the Finance Member is a Member of the Executive Council, but that he is a Member of the Government and often in charge of large spending departments. The Auditor General has suggested that it would be theoretically advisable that the Member in charge of the Finance Department should have no other functions. In this connection the question of expense is obviously a matter for consideration. We do, however, think that he should not be in charge of any of the main spending departments. Otherwise, there must be a tendency for him to provide funds for his own departments at the expense of others particularly because of his knowledge of surplus revenues which are available for expenditure at a particular time. We note, however, that actually the Finance Department is not vested with the power to allocate revenue for expenditure in regard to transferred and reserved subjects. Rule 31 provides

that the framing of proposals for such expenditure shall be a matter of agreement between the two sides of the administration. We think that the rule does not perhaps very clearly indicate that it applies not only to the distribution of revenues on the occasion of the preparation of the annual estimates of revenue and expenditure, but also to the allocation of revenues which may become available during the course of a particular financial year owing to the failure of one department or another to expend the funds allotted to it. We recommend, therefore, that rule 31 should be expanded to indicate clearly that it applies in such cases as well as in the case of the distribution of revenues when the annual estimates are being prepared.

Joint *versus* Separate Purse.

111. Before the inauguration of the reforms the Government of India carefully considered the alternatives of providing that the expenditure of the Governor in Council and of the Governor acting with his Ministers should be provided from a joint or a separate purse. They finally came to the conclusion that it was advisable definitely to divide the revenues and the balances at the credit of each province between the two sides of the administration. The question was considered by the Joint Committee, and ultimately the arrangements now contained in the Devolution Rules were accepted. These rules provide that normally there shall be a joint purse from which the expenditure in regard to both transferred and reserved subjects shall be met, the resources available for each side of the Government being decided by agreement. The Governor was, however, given power in the event of a failure to arrive at an agreement to provide for the definite allocation of the revenues and balances of the province between reserved and transferred subjects. The order of the Governor in this respect was to remain in force for a specified period which should not be less than the duration of the existing council and not exceed by more than one year such duration. In actual practice it has not been found necessary in any province to apportion the available funds in this manner. It is possible that this has been due to the fact that surplus funds were, generally speaking, not available. When the proposals of the Government of India for separate purses were made they did not on the whole secure support from Indian political opinion. The evidence tendered to us would seem to indicate that there has been some change in this respect. The Madras Government, a Member of Council and some *ex*-Ministers from Bengal, the President of the legislative council in Bihar and Orissa and a Minister in Assam all suggest that the system of a separate purse should be established. So long, however, as it is possible to arrive at an apportionment of the available funds by agreement, as has been the case up to the present, we are not disposed to support these recommendations. This proposal for a separate purse, save in

the exceptional circumstances which we have indicated, was considered at length and definitely rejected. There can be no doubt that such a separation must introduce complications, and we are not prepared to recommend a re-opening of the question.

Joint Financial Secretary.

112. A joint Financial Secretary has not been appointed in any province, and it would appear that hitherto Ministers have not pressed strongly for such an appointment anywhere. Some of the evidence before us apparently shows that this may have been due to a misapprehension of the functions which it was intended that the joint Financial Secretary should perform. Mr. Chitnavis, for example, says that such an official might be looked upon as a spy, and it is no wonder that in no province have Ministers pressed for this appointment. There is some evidence that the other view is now securing greater acceptance. The Bombay Government, and the Bombay Ministers suggest that such an officer should be appointed, and similar suggestions have been made by several *ex*-Ministers in Bengal. The suggestion of the Indian Members of Council and the Ministers in Bombay that the joint Financial Secretary when appointed should be allowed to examine all proposals for expenditure not only in the Transferred but also in the Reserved Departments seems, however, to indicate that there is still some misapprehension as to the intention of the provisions of rule 36 (2) of the Devolution Rules. We are inclined to think that such misapprehensions are due in part to the wording of the rule itself which refers to the joint Secretary being associated with the Financial Secretary. The original view of the Government of India in regard to this appointment is indicated in paragraph 74 of the First Reforms Despatch. They suggested that the officer should be the financial adviser of the Ministers in all transferred subjects; he should be wholly at their disposal to help them on the financial side of their work; he should prepare their proposals for expenditure and the like for presentation to the Finance Department and should see that their cases were properly represented there. We fully agree that it is an officer of this character who is really required, and we recommend that the rule should be amended so as to provide for the permissive appointment of a financial adviser instead of the appointment of a joint Financial Secretary. It appears to us that his functions should correspond roughly to those of the financial advisers who have been appointed in certain Departments of the Government of India. The Financial Adviser, Military Finance, is, for example, the financial adviser of His Excellency the Commander-in-Chief. His advice is always at the disposal of the Commander-in-Chief in regard to proposals for army expenditure. An officer of this kind should, we think, frequently be able to afford very valuable assistance to the Ministers particularly when

funds are available for development on the transferred side. Such a financial adviser would doubtless receive delegated powers from the Finance Member, and in the exercise of such powers he would treat the proposals of the Ministers primarily from the financial standpoint. His main value to the Ministers would, however, be in advising them in the preparation of their proposals for expenditure so as to secure that they are not likely to suffer from technical objections which might be raised by the Finance Department.

Reappropriation.

113. A Member or Minister has power to sanction reappropriations within a grant between heads subordinate to a minor head, which do not involve undertaking a recurring liability. The Finance Department on the other hand have power to sanction any reappropriation within a grant from one major, minor, or subordinate head to another. The Burma Ministers say that, so far as transferred subjects are concerned, the Ministers should have the same powers as the Finance Department. The Burma Government state that they have no objection to the rule being re-drafted so as to give the administrative departments (that is, both a Member and a Minister) power to sanction reappropriations within a grant from one major, minor or subordinate head to another, on the understanding that Government is not committed, without reference to the Finance Department, to additional recurring expenditure.

We do not anticipate that if this recommendation is given effect to it will have any appreciable effect. Mr. Marr, the Financial Secretary of the Bengal Government, also suggested a difficulty in that the administrative department may sanction reappropriation on the view that their sanction does not involve a recurring liability whereas on examination this view may be shown to be not well founded. We note, however, that the recommendation would apparently be given effect to by substituting in clause (*b*) of Devolution Rule 38 (1) for the words "' between heads subordinate to a minor head '' the words '' from one major, minor or subordinate head to another '', and in that case the Finance Department would at once obtain information of the reappropriation from the copy of the order of sanction communicated to it. We think therefore that the recommendation might be accepted.

114. Another complaint is made by the Burma Ministry in regard to Devolution Rule 42. Under this rule, *inter alia*, no concession, grant or lease of mineral or forest rights may be granted without previous consultation with the Finance Department. Under rule 45, however, the Finance Department may prescribe by general or special order cases in which its assent may be presumed to have

been given. The Burma Ministers complain that in regard to grants and concessions of forest rights the Finance Department has refused to take any action under Rule 45. The result is, that, whereas certain permanent officials in the Forest Department may grant forest rights within certain limits under the Forest Code, the Minister has no power to do so without previously consulting the Finance Department. The Burma Government explain that there have been only two cases during the last 18 months in which there has been disagreement. These were considered at a meeting of the whole government and were settled by agreement. We agree with the Burma Government that, in cases in which considerable financial interests are involved, it is not unreasonable to require previous consultation with the Finance Department. We think, however, that the Finance Department should prescribe that its assent should be assumed in cases of even greater importance than those that can be disposed of by the permanent officials. This would, in our opinion, meet the substance of the Ministers' complaint.

Borrowing powers.

115. The existing restrictions upon the borrowing powers of local governments are embodied in the Local Government (Borrowing) Rules which depend upon the provisions of section 30, sub-section (1*a*), of the Act. The loans are raised on behalf and in the name of the Secretary of State in Council and on the security of the revenues allocated to the province. It is clear that they may be raised only for the purposes specified in the rules. We consider that the expenditure of the money raised is also further restricted by the provisions of section 20, sub-section (1), of the Act, to the purposes of the government of India. This phrase has been held to mean the superintendence, direction and control of the country, but in certain judicial decisions doubts have been expressed as to whether certain classes of expenditure fall within its scope. As an example of the restrictions which might possibly be held to follow from this provision, we cite the question of whether a local government would be able to utilise funds raised by borrowing to finance industries being carried on by private persons. We consider that the governments in India should have this power, but we do not attempt to answer the legal question. As doubts have been expressed as to the scope of the expression in section 20 we recommend that steps should be taken to obtain a clear definition of its meaning. The Madras Government refer to the restriction placed upon loans falling within clause (*a*) of rule 2 of the rules by the provision that the proposed expenditure must be so large that it cannot reasonably be met from current revenues. We understand, however, that the Secretary of State has recently sanctioned proposals which will in effect meet the point raised by the Madras Government.

Separation of provincial balances and of accounts from audit.

116. We agree that appreciable further advance towards autonomy in provincial finances depends on the separation of provincial balances from the balances of the Government of India. The Government of the Punjab have suggested that with the adoption of a system of separate accounts with central banks it would be possible to justify the grant to local governments of a freer hand in the regulation of their ways and means, and the same applies to other financial questions. For example, some relaxation of the control over borrowing might be possible, though we do not consider that in the circumstances of India the relaxation can be complete, and it would then also presumably be unnecessary to retain the restrictions in rule 21 of the Devolution Rules upon the powers of local governments over their balances. We are desirous that such administrative steps as are necessary to pave the way for provincial autonomy should be taken, and we are therefore much interested in the experiments which are now being undertaken to test the feasibility of the separation of accounts from audit and in the examination of the feasibility of separating provincial accounts from the accounts of the central government. These points are referred to in the evidence of Sir Frederick Gauntlett and of Mr. Jukes, and we do not think it necessary for us to attempt to summarise that evidence in detail. If provincial accounts are separated from central accounts it will be necessary for the provinces not to overdraw their balances throughout the year, and this may cause some difficulty. The provincial revenues are received at definite seasons, but the expenditure normally goes on throughout the year. Adjustments between central and provincial governments are made at the end of a year, and the position of provincial finances from month to month is therefore not clearly represented in the government accounts. We append a statement (Appendix No. 4) furnished to us by the Auditor General showing provincial balances from month to month for the year 1922-23 after important adjustments, other than those which from their nature must be made at the end of the financial year or on specified dates, have been distributed throughout the year. The maximum and minimum balances of each province during the year are underlined, and they indicate the great variation in these balances during the course of a year. Mr. Jukes has, however, informed us that, if the provinces at the same time assume charge of the very considerable sums of money which are deposited for short periods with government, they will obtain more than sufficient funds to meet their day to day requirements. With the separation of audit from accounts the latter function would of course become a provincial subject under the control of the provincial finance department.

## F.—*The Central Government.*

117. The general proposals which we have received for the revision of the constitution of the central government are not within the scope of any recommendations which we are empowered to make. We have referred in Part I to their general character, and we do not propose to discuss them further. When referring to the provincial legislatures and their powers we have in several cases, made proposals which will apply to one or both of the two chambers of the central legislature. These are definitely indicated in the summary of our recommendations. We now turn to a few points which concern the central legislature directly.

European commercial representation in the Legislative Assembly.

118. The European Association strongly press for direct representation of European commerce and industry in the Legislative Assembly, but they are equally strongly averse to this being provided at the expense of the European general constituencies. The Bengal Chamber of Commerce also say that it is indisputable that the provision made for the representation of European commercial interests in the Legislative Assembly is most inadequate, and the same point is made by the Bihar and Orissa Government. The constitution of the two chambers of the central legislature was fixed on the lines that European commercial interests should be represented in the Council of State and the European community generally in the Legislative Assembly. We admit that European commercial interests are affected largely by the questions which come up for consideration in the Legislative Assembly in a greater degree than in the Council of State. We think on the whole, however, that a general revision of the constituencies of the two chambers should be awaited before any change is made in this respect, and we cannot recommend that such a general revision of the constituencies should be undertaken now.

Certification of legislation.

119. The powers of certification of legislation possessed by the Governor General under sub-section (1) of section 67B of the Act have been criticised. Under these powers the Governor General may certify that the passage of a Bill, which either chamber of the Indian legislature has refused leave to introduce or has failed to pass in a form recommended, is essential for the safety, tranquillity or interests of British India or any part thereof. The Deccan Sabha suggest that the words " or interests " are too wide for the purposes of an affirmative power of legislation. They admit that it is difficult to suggest a substitute for the words, but they think that they can safely be dropped from the section leaving the powers of the Governor General to be exercised only for the safety and tranquillity of British India or any part thereof. We are unable to accept

so wide a recommendation. At the present time these words are required because the Governor General's responsibilities are not confined to the safety and tranquillity of British India; and in the discharge of his functions he is responsible to Parliament and not to the Indian legislature. The omission of the words would in fact lead directly to difficulties corresponding to those experienced in the Colonies to which we have referred in paragraph 60. The words, or some equivalent words, are in our opinion, an essential part of the existing constitution. The matter was discussed in the House of Commons at the time the Act was passed, and we would refer to the arguments then adduced.

Social Legislation.

120. In India the powers of the legislatures to enact laws which will affect the religious rights and customs of the various communities is a question in which the communities are greatly interested. So far as the rights and customs of Hinduism and Islam are concerned this interest is illustrated on the one hand by the evidence tendered by Hindus referred to in paragraph 40 and on the other hand by the resolutions of Muhammadans cited in paragraph 41. A more restrictive proposal is contained in the written evidence tendered by a witness from the Punjab, who would provide in the Government of India Act that no law passed by any legislature shall be valid, if it affects the religion or religious rights and privileges of any class or community in British India. We have no hesitation in rejecting this last mentioned proposal. In India religion enters deeply into the daily affairs of life, and such a restriction might, we think, be interpreted in such a way as seriously to restrict the powers of the legislature. The two specific Muhammadan resolutions before us are not so drastic. One provides that no Bill affecting the interests of Muhammadans and the other that no Bill affecting any community shall be passed, if it is opposed, respectively, by one half of the members voting or by three-quarters of the total number of members of the community in the legislature concerned. In the latter case the question whether the Bill does or does not affect the community is to be determined by the members who belong to the community concerned. In neither case is the proposal restricted to Bills which affect the religion or the religious rites or usages of the community. The proposals as stated have a very wide application indeed, but Mr. Barkat Ali explained to us that the intention in the latter case was to restrict the proposal to Bills affecting exclusively the one community. Even with this restriction we are not, for the reason already given, prepared to support either of these alternative proposals. The existing constitution does already contain general protections against legislation affecting the religion or religious rites and usages of any class of British subjects in India. Previous sanction for the introduction of any such measure in the

central legislature is required by section 67 of the Act. If it has not been previously sanctioned any such measure passed in a local legislature must be reserved for the consideration of the Governor General under the Reservation of Bills Rules. The further provisions which we consider are required, are provisions to secure that such legislation shall not be passed without thorough examination by persons well versed in the law of the community concerned.

Our recommendations indeed follow generally the lines of the remedy suggested by Mr. Jogendra Nath Mukherjee which is endorsed in the written evidence tendered to us by the Hindus of Bengal and Assam. Our recommendations are intended to be applied in the first place to the two chambers of the Indian legislature only, as we think that such legislation will come more frequently before the Indian legislature than before provincial legislatures. If they are accepted, and if they are found in practice to work well, then we think that they might be applied *mutatis mutandis* to the provincial councils also. We would provide in the Legislative Rules, on the example of the House of Commons, for two Standing Committees one each for Bills affecting Hindu and Muhammadan law. After either chamber has given leave for the introduction of a measure falling within either of these categories, it should automatically be referred to the Standing Committee concerned, and no further action in regard to it should be taken until the Standing Committee has reported. Normally, before reporting, we think the Standing Committee should give an opportunity to the community concerned to make any representations in regard to the Bill which it may think fit either orally or in writing. These provisions by themselves would not perhaps go far. The main point is to secure that the Committees are manned by persons of the character required. These should be mainly members of the community concerned and should include persons well-versed, respectively, in Hindu and Muhammedan law, and representatives both of the orthodox and reforming sections of the two communities. In order to secure such representatives on the Committees, we would provide that the members should be appointed by a Committee of Selection and here again we would follow the House of Commons practice in regard to the appointment of members of the Standing Committees of that House. We make no definite recommendations as to how the Committee of Selection should be appointed. The members should, however, we think, include the President, the Deputy President and the Leader of the House. It might be found advisable for the Standing Committees and the Selection Committee to be Joint Standing Committees and a Joint Selection Committee of the two chambers. We think that details of this kind might be worked out by the Government of India, and the chambers of the Indian legislature might be consulted later. In view, however, of these suggestions

we recommend that the provision for the nomination of experts in the two chambers of the Indian legislature, which we have recommended for adoption, should include power to nominate, not only experts with regard to particular Bills but experts with regard to particular classes of Bills also. By this means it should be possible, we think, to ensure that persons of all the types required shall be represented on the Standing Committees.

Powers of Legislative Assembly in regard to appropriation of supplies.

121. The Government of Bihar and Orissa make a general observation upon the provisions of the Act under which the power of granting supplies was vested in the Legislative Assembly only. They say if the Council of State had been able to review the resolutions of the Legislative Assembly by the voting of demands it is possible that the policy of destruction adopted during the March session of this year might have been less successful. In the event of any amendment of section 67A of the Act being contemplated, they commend this point for consideration. We ourselves are not, in the present circumstances, prepared to support an amendment of the section on these lines. A suggestion of a different character is contained in the memorandum of the Railway Department of the Government of India which is reproduced in Appendix No. 5. The object of the recommendation is to give the Railway Department greater opportunities of explaining their proposals to the Assembly during the course of the budget discussions. The Railway Department hope to present their budget to the Assembly in advance of the general budget and thus secure some additional time for its discussion. They also state that the question of changing the date of the beginning of the railway year to the first of August and of placing the railway estimates before the Assembly in the middle of September, when it would be possible to supply the Assembly with estimates of the approximate actuals of receipts and expenditure of the previous year, is under consideration. We have not been able fully to examine all the implications of these suggested changes. We, however, support the recommendations unless substantial objections to them are found to be forthcoming on the grounds that it is desirable that the budget estimates considered by the Assembly should be prepared after a close estimate of the actual receipts and expenditure of the previous year is known and also of the fact that these changes would enable the Assembly to devote a greater time to a thorough discussion of the railway estimates. The Railway Department also state that they would welcome the change in the dates for the beginning of the railway year and the presentation of the railway budget on administrative grounds. Though it is not proposed to introduce these changes at once, we support the suggestion of the Railway Department and would recommend that the Act and the rules

thereunder should be amended so as to empower the Government of India (1) to prescribe the date on which the railway year shall begin for budget purposes, and (2) to present the railway budget to the Legislative Assembly separately from the general budget.

### G.—*The Secretary of State in Council.*

Control of the Secretary of State in Council over transferred subjects.

122. The powers of superintendence, direction and control of the Secretary of State in Council have been restricted in regard to transferred subjects by the rule made under section 19A. of the Act to the five purposes mentioned in the rule. The corresponding powers of the Governor General in Council have been similarly limited by Rule 49 of the Devolution Rules. These powers of interference are identical save for the inclusion in the rule relating to the Secretary of State in Council of the following additional two purposes :—

(i) to safeguard Imperial interests; and

(ii) to determine the position of the Government of India in respect of questions arising between India and other parts of the British Empire.

We have therefore decided to refer to these two connected questions together.

Sir K. V. Reddy has stated that the rule framed under section 19A of the Government of India Act has so many exceptions that they eat up the rule. He says that it is difficult to suggest an alteration of the rule, but the powers now retained by the Secretary of State are still too large. On the other hand, in regard to the control of the Governor General in Council, the Deccan Sabha, for example, recommend that the powers of control should be limited to the purpose of safeguarding the interests of central subjects only. We have examined the existing restrictions in both cases. It seems to us that in all the cases provided for it is necessary to retain the limitations upon the divestment of control which have been provided. More important than any amendment of the rules is the manner in which the powers still retained are exercised, and no amendment of the rules will affect this. We have alluded to the evidence on this point in Part I above.

Control of the Secretary of State in Council over central and provincial reserved subjects.

123. Finally we turn to those subjects in the administration of which the governments in India remain responsible to Parliament. The Joint Committee in their remarks on clause 33 of the Government of India Bill of 1919 suggested that in the exercise of his responsibility to Parliament which he cannot delegate to any one else, the Secretary of State may reasonably consider that only in exceptional circumstances should he be called upon to intervene in matters of purely Indian interest where the government and the legislature in India are in agreement. We recognise the importance which attaches to the relaxation of the powers of control of the Secretary of State and of the Secretary of State in Council over the official governments in India. It would, however, involve an examination of the actual working of the administration in detail, which has of course not been possible for us to undertake, before we could arrive at a definite conclusion as to whether the existing control is being unreasonably exercised. One witness before us referred to the growth of expenditure upon telegrams as an indication of the excessive control. We have examined the point and find there is no basis for the suggestion. We fully endorse the view of the Joint Committee that the relaxation of the control over the Government of India and the provincial governments exercised by the Secretary of State and by the Secretary of State in Council in matters of purely Indian interest is the goal to be aimed at. We have considered what steps should be taken towards obtaining such a relaxation. We recognise that there is a difference in theory between delegation and devolution of powers, but we think that in their practical application, little difference is likely to be experienced between the two methods of securing relaxation. Difficulties arise when an attempt is made to define the circumstances in which the control should be relaxed, and in fact the cases in which relaxation of control may perhaps be expected appear to depend not only upon the subject to which they relate but mainly upon the magnitude of the issues which they involve. In financial and service matters, action may be taken by definite delegation of powers by rule. In matters of administration, however, the step which should, in our opinion, be taken is to work towards establishing a practice in conformity with the position taken by the Joint Committee that control in cases affecting purely Indian interests should not be exercised. We notice with pleasure that an important practice in regard to fiscal matters has already been established. Relaxation of control on these lines is, in our opinion, a most important channel for constitutional advance within the scope of the Act.

## PART V.

### CONCLUSION.

124. We had the advantage of considering the evidence and of discussing most of our recommendations in full committee, but our colleagues, Sir Tej Bahadur Sapru, Sir Sivaswamy Aiyer, Mr. Jinnah and Dr. Paranjpye finally decided to write a separate minority report. We find that in that report they have dealt with some matters which we feel we were precluded from considering by our terms of reference, and we therefore refrain from referring to them now. It is necessary to point out that the recommendations in paragraph 91 were the result of an examination of the subject by a sub-committee consisting of Sir Muhammad Shafi, Sir Tej Bahadur Sapru, Sir Henry Moncrieff-Smith and Mr. Jinnah and were unanimously accepted by the committee as a whole. The Maharajadhiraja Sir Bijay Chand Mahtab, Bahadur, of Burdwan has appended to our report a note expressing his views on certain matters.

125. In conclusion we must express our obligations to the Government of India Press for the promptitude and accuracy with which they have responded to our demands which were often necessarily immediate and exacting.

We are greatly indebted to our Secretary, Mr. Tonkinson, for his invaluable help during our investigations and in the preparation of our report. He has displayed the greatest keenness in assisting us in every respect and has devoted himself to his duties in connection with the committee with indefatigable industry involving long hours of work at high pressure.

We have the honour to be

Your Excellency's most obedient servants,

A. P. MUDDIMAN,

*Chairman.*

MD. SHAFI.

B. C. MAHTAB OF BURDWAN.

A. H. FROOM.

H. MONCRIEFF-SMITH.

*Members.*

H. TONKINSON,

*Secretary.*

*Delhi, the 3rd December 1924.*

## NOTE BY THE MAHARAJADHIRAJA SIR BIJAY CHAND MAHTAB, BAHADUR, OF BURDWAN.

I append this note with the object of making it quite clear why I have supported the continuation of Dyarchy. I have done so, not because I am enamoured by the system of Dyarchy, since it is a system which is bound to be cumbrous, and as such is bound to lead to confusions, complexities and, in consequence, perhaps a certain amount of distrust and suspicion in the minds of Ministers who will have to work it; nor does my support mean that I do not look forward to some scheme of Provincial Autonomy being evolved by the Government of India in due course, or that I could be opposed to the aspiration of every patriotic Indian, including myself, to see full Responsible Government in India when the time is ripe for it; but because, the realization of full Responsible Government must inevitably be gradual in India. No sane person can claim otherwise; for India, with its complexities of communal difficulties and the present political activities of those who want Revolution, whether it be White or Red, which means in plain language severance of the British connection, needs a steady political uplifting and no whirlwind reforms which may easily spell disaster. In consequence, at present partial Responsible Government is an inevitable necessity, and in a transitional stage no half-way house appears to me to be possible other than the present system of Dualism with all its inherent defects and irremediable consequences.

Turning to the question as to whether Dyarchy has failed or not, I cannot go to the length of saying that since the inauguration of the Reforms in 1921, it has had a fair enough trial and has failed or that it has been worked properly both by the Government and the people alike. Firstly because, I do not think the real constitutional position was visualised by Ministers who had to work it, nor do I think the action of Governors has been uniform by any means. Some have realized the dividing line between Transferred and Reserved subjects and yet with it have had joint meetings of both halves of the Government, as contemplated under the Government of India Act, whilst other Governors have been the worst enemies of Dyarchy by their well-meant intentions of securing an unified form of Government. This has led to misconceptions and misunderstandings much more than anything else. The inference which I have deduced from the examination of various witnesses, particularly *ex*-Ministers, is that no actual case has been made out to prove that Dyarchy has failed and, therefore, I believe that, given good will and co-operation, the scheme has many possibilities still of achieving the purpose for which it was intended, *viz* , during a transitional stage to be

the herald on the threshold of further political advance. In my opinion, therefore, it would be a political blunder of the first magnitude to denounce, or advocate the immediate discarding of, Dyarchy wholesale, when we find it has only been worked for a little over three years and that in most Provinces, within that very short period, it has, if anything, been a partial success rather than a failure. To be quite candid, some of the Ministers who deposed before us have left on my mind this impression rather vividly that they were denouncing the system not merely for its inherent defects, but also because it undoubtedly put a limitation on the scope of their activities.

If we really want our onward march to be on a well-metalled road which will reach us safely to the Land of Autonomy and full Responsibility we must take as our motto, *festina lente*; I, therefore, hold, there is more scope for real advance and for establishing our fitness to rule by working the dual constitution fully and more successfully than it has been hitherto worked than there is in merely condemning it and asking for Provincial Autonomy as an immediate and irreducible demand. First let us give conclusive proof of our being able to manage successfully the partial form of Responsible Government which we have got for the first time, before advocating what would be, in the present formation of political parties in India and the existing electorates, a leap in the dark.

Now let me turn to the conclusions of the Minority Report.

With the idea of an immediate Royal Commission to examine the Indian Constitution *de novo*, I am not in agreement for I do not consider the present Constitution to be so bad or so unworkable as to necessitate its complete overhauling by Parliament after its having been worked for a little over three years only. Moreover, I am not convinced of what the verdict of such a Commission would be at the present time.

On the other hand, I think it would be wise on the part of the Government of India not to wait till 1929 when a Parliamentary Committee is likely to be appointed—perhaps to re-open every question and re-examine everything—but from now to give effect to our recommendations, and to consider our examination of Provincial Autonomy in Part II of our Report, and then to see if some advance to Provincial Autonomy is possible under existing conditions and, if so, to constitute the machinery necessary for it.

B. C. MAHTAB.

*Delhi, the 3rd December 1924.*

## SUMMARY OF RECOMMENDATIONS.

This summary should be read with the paragraphs of the report in which the recommendations have been made. It is intended to summarise concisely any recommendations made in the report for modifications of the existing law or practice.

### The Secretary of State.

PARAS.

1. The *control of the Secretary of State and of the Secretary of State in Council* over the official governments in India in cases affecting purely Indian interests should be relaxed and efforts should be directed towards establishing a practice in this respect 123

### The Government of India.

*The Executive.*

2. The Governor General and the other high officials mentioned in sub-section (1) of section 110 of the Government of India Act should be exempt from the jurisdiction of all Courts and not merely from the original jurisdiction of the High Courts ... ... 91

3. The powers of the Governor General in Council to secure by a declaration that the *development of a particular industry* shall be a central subject should be modified so as to relax the existing restriction and allow the power to be exercised with the concurrence of the local government or governments concerned... 95

*The Indian Legislature.*

4. The Courts should be barred from *premature interference with the Presidents* of the two chambers in regard to action proposed to be taken in either chamber. The recommendation applies to the Presidents of the legislative councils also ... ... 91

5. The elected President of the Legislative Assembly should not be required to *vacate his seat as* a member of the Assembly *on* his *acceptance of* that *office*. The recommendation extends to the elected Deputy President of the Assembly, to elected Presidents and Deputy Presidents of the provincial councils and also to Council Secretaries ... ... ... 76

PARAS.

6. *Bills affecting Hindu or Muhammadan Law* should be referred, after leave for introduction has been given, to two Standing Committees. The members of the Standing Committees should consist mainly of members of the communities concerned but should include experts in Hindu or Muhammadan Law, as the case may be, and also representatives both of the reforming and of the orthodox sections of the two communities. They should be appointed by a Committee of Selection. Before any arrangements are made on these lines the two chambers of the Indian legislature should however be consulted ... ... ... 120

7. Power should be taken to enable the Government of India to prescribe the *date on which the railway year shall begin for budget* purposes and also to *present the railway budget separately* from the general budget 121

8. The bar against *women being registered as electors* for the Delhi and Ajmer-Merwara constituencies should be removable by the passing of a resolution after due notice in the Assembly ... ... ... 66

9. The bar against *women being elected or nominated as members* of either chamber of the Indian legislature or of the provincial councils should be removable by the passing of resolutions after due notice in the chambers and the councils ... ... ... 67

10. Special *representation for factory labourers* in the Legislative Assembly should be provided for, if local Governments can make arrangements, by election, and if not, by nomination ... ... ... 64

11. The Governor General should have power to *nominate persons* whether officials or non-officials to be members of either chamber of the Indian legislature as *experts* for particular bills or particular classes of bills ... ... ... ...73 & 120

12. The existing *disqualification* from being a member of either chamber of the Indian legislature or of a provincial council which follows *from* a *conviction by a criminal court* should be modified—

(i) by increasing the period of sentence which constitutes a disqualification from six months to one year; and

(ii) by enabling it to be removed, subject to provisions to secure uniformity, by orders of the local government instead of only by pardon ... 72

PARAS.

13. Members of all the legislative bodies constituted under the Act should be *exempted* from—
(i) serving as *jurors or assessors;* and
(ii) *arrest and imprisonment for civil causes* during meetings of the legislatures in question and for periods of a week before and after such meetings.
This recommendation should, however, not be dealt with as a question of privilege but by amendment of, or action under, the ordinary law ... ... 91

14. The *corrupt influencing of votes within any of the legislative bodies* by bribery, intimidation and the like should be made a penal offence, and this should not be dealt with at present as a question of privilege 91

## The Provincial Governments.

*The Executives.*

15. *Joint deliberation* between the two sides of the Government on important questions should be definitely enjoined by a rule to be included in the Devolution Rules ... ... ... ... 96

16. The *Joint Responsibility of the Ministry* is the ideal and the Devolution Rules and the Instrument of Instructions should be modified, so far as may be necessary, to indicate this rather than that transferred subjects may be administered by the Governor acting on the advice of a single Minister ... ... 98

17. The constitution should provide that a *Minister* should ordinarily get the same *salary* as a Member of the Executive Council in the same province but that this may be varied by an Act of the local legislature so as not to be less than 3/5ths of, or more than the salary payable to a Member of the Executive Council in the same province. Section 52, sub-section (1) of the Act should be amended accordingly ... ... 100

18. The powers of *control of the Governor over his Ministers* should be more expressly indicated by the re-drafting of clause VI of the Instrument of Instructions so as to provide that, subject to a power of interference to prevent unfair discrimination between classes and interests, to protect minorities and to safeguard his own responsibility for reserved subjects and in regard to the interests of the members of the permanent services, the Governor should not dissent from the opinion of his Ministers ... ... 101

PARAS.

19. Provisions should be made in the provincial legislative rules giving a *Minister* who has *resigned* the right to make in the council a *personal explanation* of the causes of his resignation. The provisions should so far as possible follow English practice... ... 101

20. The *rules of executive business* made by Governors under section 49 of the Act should be amended to provide, where this is not already the case, that,—

(*a*) a Member of Council or a Minister should be able to make a recommendation to the Governor that any case in his own Department should be considered before the joint cabinet or before that side of the Government with which it is directly concerned; and

(*b*) the Secretary of the Department or other officer with a right of direct access to the Governor should inform his Minister of every case in which he differs in opinion from the Minister and of all other important cases which he proposes to refer to the Governor ... ... ... 102

21. The word "may" in clause 2 of rule (2) of the Transferred Subjects (Temporary Administration) rule should be changed to "shall" ... ... 103

22. The provisions as regards *Council Secretaries* in the provinces should be modified—

(*a*) so as to provide that they shall get a reasonable salary the amount of which will be determined by an Act of the local legislature; and

(*b*) that on the transferred side the Minister should make recommendations for appointment as Council Secretaries for the approval of the Governor, and that when appointed they should hold and vacate office with the Minister ... 105

23. The following *provincial reserved subjects* should now be *transferred*:—

(*a*) No. 12. Fisheries. In Assam.

(*b*) No. 14. Forests. In provinces in which it has not been transferred already, unless the local government concerned on examination of the position can make out a convincing case against transfer.

(*c*) No. 16. Excise. In Assam.

PARAS.

(*d*) No. 26. From amongst the Industrial matters included in this item the following,—

(*d*) boilers;
(*e*) gas; and
(*g*) housing of labour.

But boilers and housing of labour should remain subject to legislation by the Indian legislature... 93

24. The following action should be taken in regard to other *provincial subjects* :—

(*a*) No. 15. Land Acquisition. Local governments should be consulted as to whether, in so far as it relates to purely provincial land acquisition, this subject cannot be transferred.

(*b*) No. 18. Provincial Law Reports. The High Courts should be consulted as to whether this subject cannot be transferred.

(*c*) No. 27. Stores and Stationery. The existing restriction on the transfer of this subject that it is subject in the case of imported stores and stationery to such rules as may be prescribed by the Secretary of State in Council should be deleted.

(*d*) No. 43. Provincial Government Presses. The question whether this subject cannot be transferred should be examined ... ... 93

25. The two schedules of subjects annexed to the Devolution Rules should be examined and the lists should be re-arranged on a more logical basis .... ... 93

*The Legislatures.*

26. Power should be taken to modify by rules the existing stringency of the *control over provincial legislation* which is due to the *previous sanction* provisions by the inclusion of a proviso in sub-section (3) of section 80A of the Act ... ... ... ... 83

27. The existing provisions, contained in item 5 in the Schedule of provincial subjects annexed to the Devolution Rules, which make,—

(i) the control of the establishment and the regulation of the constitution and functions of new Universities; and

(ii) the Calcutta University, and the control and organization of secondary education in the Presidency of Bengal,

*subject to legislation by the Indian legislature*, should be deleted ... ... ... ... 93

PARAS.

28. When *previous sanction* is granted under section 80A or section 80C of the Act to provincial legislative proposals promoted by non-officials the sanction should be available only to the member to whom it was granted and for the particular council sitting when it was granted ... ... ... ... 84

29. If decided to be necessary the existing law in regard to the *reservation of provincial Bills* should be modified so as to make it clear,—

(*a*) that a Governor may return a Bill passed by one legislative council for reconsideration by a new council, in whole or in part;

(*b*) that, when the Bill is so returned for reconsideration, whether to the old or to a new council, amendments may be moved in the council to any parts of the Bill if returned for reconsideration in whole and if returned for reconsideration in part to those parts; and

(*c*) the amendments suggested by the Governor are open to rejection or amendment by the council 86

30. In order to enable the *responsibility of Ministers to the Councils* to be enforced provision should be made in the provincial Legislative Council Rules for the following classes of motions :—

(*a*) a motion of no confidence;

(*b*) a motion questioning a Minister's policy in a particular matter; and

(*c*) a motion for the formal reduction of a Minister's salary to be moved at the time when the demands are made for grants.

So far as the latter class of motions is concerned it will be necessary to provide for them when amendments are made to section 52 of the Act in regard to the Minister's salary. So far as the two former motions are concerned in order to prevent them from being moved frivolously and to provide that they should come up for discussion at an early date the rules should provide that the person who gives notice of the motion should show that he has the support of about one-third of the members of the council, and that in that case the President shall direct that the motion shall be included in the list of business on a date not later than 10 days after the date of notice ...80 & 100

PARAS.

31. Rule 30 of the provincial Legislative Council Rules and rule 48 of the Indian Legislative Rules should be amended so as to secure that *motions* may not be moved when a demand is made for a grant *for* the *omission of the whole grant*... ... ... 89

32. The Central Provinces Electoral Rules should be amended so as to include an additional constituency comprising the Mandla district. It is for consideration whether the constituency should include Mandla town or whether the town should continue to be included in the urban constituency of small towns in the Jubbulpore Division. When the constituency is created the existing provision in the rules for the nomination of a member to represent this district should be deleted ... ... ... 68

33. The *six months residential qualification* should not be required from candidates *for European seats* in any of the legislative bodies constituted under the Act. In these cases candidates should only be required to have an All-India residential qualification which should not be affected by temporary leave of absence from India ... ... ... ... ... 71

34. The representation of the *depressed classes* in the provincial councils should be increased, and the local governments should be asked to formulate proposals in this respect. The representation should be by election, if local governments are prepared to recommend a system of election ... ... ... 64

35. The representation of *factory labourers* in the provincial councils should be increased, and the local governments should be asked to formulate proposals in this respect. The representation should be by election if possible ... ... ... ... 64

*Finance*

36. The *Meston Settlement* should be revised as soon as a favourable opportunity occurs ... ... 56

37. The *Member of the Executive Council* in charge of the *Finance Department* should not be in charge of any of the main spending departments ... ... 110

PARAS.

38. The Devolution Rules relating to the appointment of a *Joint Financial Secretary* should be modified so as to provide for a power to appoint *Financial Advisers* to the Ministers in regard to transferred subjects ... 112

39. Devolution Rule 31 should be amended so as to indicate clearly that it applies not only to the *distribution of revenues* on the occasion of the preparation of the annual estimates of revenue and expenditure but also to the distribution *between Reserved and Transferred Departments* of any revenues which may become available during the course of a financial year ... 110

40. The powers of a Member or a Minister to *sanction re-appropriations* which now only extend to re-appropriations within a grant between heads subordinate to a minor head should be extended, subject to the existing limitations in regard to expenditure which involves a recurring liability and in regard to the communication to the Finance Department of a copy of any order, to any re-appropriation within a grant from one major, minor or subordinate head to another ... ... ... ... 113

41. In such cases as those relating to the grant of forest rights the provincial *Finance Departments* should prescribe that its *assent* in cases, in which previous consultation with it is required by the rules, may be presumed in cases of even greater importance than those that may now be disposed of by the permanent officials of the Forest Department ... ... 114

42. Steps should be taken to obtain a definition of the phrase 'government of India' in section 20, subsection (1), of the Act. The scope of the phrase should extend, for example, to expenditure on the financing of industries by private persons ... 115

43. If the experiments now being undertaken in regard to the *separation of accounts from audit* show that such separation is feasible, and if it is also found to be feasible to *separate provincial accounts* from the accounts of the central government, action should be taken in both these directions ... ... 116

*The Public Services.*

44. Any action necessary for the *protection of the services* in the exercise of their functions and in the enjoyment of their recognised rights and privileges should be taken ... ... ... ... 104

PARAS.

45. The control over recruitment for the services in the transferred field should be entrusted to the proposed Public Service Commission or Commissions ... 104

46. In the rules for recruitment Government should provide that, with due regard to efficiency, *all communities* should receive due *representation in the public services*. That is, if a due representation of persons, belonging to a particular community who have passed a prescribed efficiency bar can be obtained for each service, the community should receive due representation, if necessary by nomination, in each service ... ... ... 104

H. TONKINSON,
*Secretary.*

*Delhi, the 3rd December 1924.*

# APPENDIX No. 1.

## List of Public Bodies and Individuals who have tendered evidence to the Committee.

*Madras.*

1. Memorandum by Mr. K. Rama Ayyangar, M.L.A.
2. Memorandum by Sir K. V. Reddy, *ex*-Minister, Madras.
3. Memorandum by Mr. C. R. Reddy, M.L.C., Madras.
4. Memorandum by Rao Bahadur M. C. Raja, Honorary Secretary, Madras Adi-Dravida Mahajana Sabha, Madras.
5. Memorandum of the 1921 Club, Madras.
6. Letter from the Chief Whip, the All-India Visvakarman Liberal Federation, Madras, dated the 11th October 1924.
7. Letter from the Joint Secretary, the South Indian Liberal Federation, Trichinopoly, dated the 20th July 1924.
8. Letter from the Joint Secretary, the South Indian Liberal Federation, Trichinopoly, dated the 6th November 1924.
9. Letter from Mr. E. Periyanayakam, High Court Vakil, Madura, dated the 23rd July 1924.
10. Letter from the Chief Whip, the All-India Visvakarman Liberal Federation, Rajamundry, Godavary District, dated the 29th July 1924.
11. Memorandum of the Zamindari Ryot's Association, Ganjam.
12. Letter from Mr. Mehmud Schamnad Sahib Bahadur, M.L.A.
13. Letter from Mr. V. V. Rajaratnam, Karaikudi, S. India.
14. Letter from Mr. T. R. Doraiswamy Iyer and 5 others, Desamangalam, dated the 20th October 1924.
15. Letter from the Vice-President, Madras Adi-Dravida Mahajana Sabha, dated the 13th October 1924.
16. Memorandum of the All-India Association of Clerks of Ordnance Factories, Aruvankadu.

*Bombay.*

17. Memorandum by Sir Purshotamdas Thakurdas, M.L.A.
18. Memorandum by Sir Chimanlal Setalvad, *ex*-Member, Executive Council, Bombay.
19. Statement of the Government of Bombay regarding Sir Chimanlal Setalvad's evidence.
20. Memorandum by Mr. A. N. Surve, M.L.C., Bombay.
21. Memorandum by Mr. R. G. Pradhan, M.L.C., Bombay.
22. Memorandum by Mr. P. R. Chikode, Belgaum.
23. Memorandum by Mr. B. G. Sapre, Bombay.
24. Memorandum of the Deccan Sabha, Poona.
25. Memorandum of the Bombay Branch of the National Home Rule League.

26. Memorandum of the Bombay Presidency Association.
27. Letter from the General Secretary, All-India Trade Union Congress, Bombay, dated the 18th August 1924.
28. Memorandum by Mr. S. S. Mehta, Bombay.
29. Letter from the Secretary, the Millowners' Association, Bombay, dated the 10th June 1924.
30. Letter from Mr. G. C. Bhate, Roha, District Kolaba.
31. Memorandum by Mr. G. A. Vaidya, Ramawadi, dated the 4th June 1924.
32. Memorandum by Sardar V. N. Mutalik, M.L.A.
33. Letter from the General Secretary, Depressed Classes Mission Society, Poona, dated the 1st June 1924.
34. Letter from Mr. Gobind Amrut Vaidya, Ramwadi, Kathiawad, dated the 18th September 1924.
35. Letter from the President of the meeting of the non-Brahmin Party, Poona, dated the 22nd October 1924.
36. Memorandum by Dr. Kaikhosru K. Dadachanji, Bombay.

*Bengal.*

37. Memorandum by Sir Provash Chunder Mitter, *ex*-Minister, Bengal.
38. Supplementary memorandum by Sir Provash Chunder Mitter, *ex*-Minister, Bengal.
39. Memorandum by Sir Surendra Nath Banerjea, *ex*-Minister, Bengal.
40. Memorandum by Mr. A. K. Fazlul Haq, *ex*-Minister, Bengal.
41. Memorandum by Mr. A. K. Ghuznavi, *ex*-Minister, Bengal.
42. Memorandum by Nawab Bahadur Syed Nawab Ali Chaudhuri Khan Bahadur, *ex*-Minister, Bengal.
43. Memorandum by Mr. A. Marr, Financial Secretary to the Government of Bengal.
44. Memorandum of the Central Administration European Association, Calcutta.
45. Memorandum of the Bengal Chamber of Commerce, Calcutta.
46. Memorandum by Mr. Hem Chandra Das Gupta, Honorary Secretary, All-Bengal Government College Teachers' Association, Presidency College, Calcutta.
47. Memorandum of the Indian Association, Calcutta.
48. Memorandum of certain Hindus of Bengal and Assam.
49. Memorandum of the Bengal Central Rayet Association, Calcutta.
50. Letter from the President, Bengal National Chamber of Commerce, Calcutta, dated the 22nd May 1924.
51. Letter from Khan Bahadur M. Choinuddin, M.L.C., Bengal, dated the 19th October 1924.
52. Letter from the Secretary, Indian Mining Federation, Calcutta, dated the 22nd July 1924.
53. Letter from the Secretary, Indian Mining Federation, Calcutta, No. 1715/RN/196/23, dated the 22nd July 1924.

54. Memorandum by Mr. Surendranath Roy, Senior Munsif, Vishnupur, District Bankura.

55. Memorandum of the Anti-Non-Co-operation Committee, Calcutta.

56. Letter from the Secretary, Central Rayet Association, Calcutta, dated the 21st June 1924.

57. Letter from the Honorary Secretary, District Muslim Association, Dacca, dated the 21st August 1924.

58. Memorandum by Mr. K. Ahmed, M.L.A.

59. Telegram from Mr. Sukhamay Das Gupta, Rangpur, dated the 24th August 1924.

60. Letter from the Secretary, All-Bengal Indian Government Educational Inspecting Officers' Association, Calcutta, dated the 1st September 1924.

61. Letter from the Honorary Secretary, the Employees' Association, Calcutta, dated the 20th September 1924.

62. Letter from the Secretary, Labour Association, Jamshedpur, dated the 29th September 1924.

63. Letter from the Secretary, Hosiery Workmen's Association, Calcutta, dated the 30th September 1924.

64. Letter from the Secretary, Bengiya Krishak O. Raya Sava, Calcutta, dated the 15th October 1924.

65. Letter from the Secretary, Bengal Trades Union Federation, Calcutta, dated the 7th October 1924.

66. Letter from the Secretary, Bengal Trades Union Federation, Calcutta, dated the 16th October 1924.

67. Letter from the Secretary, All-India Postal and R. M. S Union, Calcutta, dated the 14th October 1924.

68. Letter from the Secretary, Calcutta House Owners' Association, dated the 6th September 1924.

69. Letter from Mr. Promothonath Mukherjee, Kalighat, dated the 22nd October 1924.

*United Provinces.*

70. Memorandum by the Hon'ble Syed Raza Ali, Member of Council of State, Vakil, High Court, Allahabad.

71. Memorandum by Mr. Mohd. Yakub, M.L.A., Moradabad.

72. Memorandum by Mr. C. Y. Chintamani, *ex*-Minister, U. P.

73. Addendum to Mr. C. Y. Chintamani's memorandum received with his letter, dated the 20th September 1924.

74. Memorandum by Mr. Shafaat Ahmad Khan, M.L.C., U. P.

75. Letter from Mr. Akhtar Adil, Vakil, High Court, Agra, dated the 20th August 1924.

76. Memorandum of the U. P. Liberal Association, Allahabad.

77. Letter from the Honorary Secretary, U. P. Liberal Association Allahabad, dated the 26th September 1924.

78. Letter from Kunwar Kavindra Narayan Singh, General Secretary, Sri Bharat Dharma Mahamandal, Benares, dated the 8th September 1924.

79. Letter from the Secretary, Upper India Chamber of Commerce, Cawnpore, dated the 13th August 1924.
80. Memorandum of the Hindustan Chamber of Commerce, Cawnpore.
81. Letter from the Honorary Secretary, District Muslim League, Moradabad.
82. Memorandum by Shaikh Mushir Hosain Kidwani, M.L.A., Gadia.
83. Letter from Mr. Mohmmed Yasin Khan, Farukhabad, dated the 18th August 1924.
84. Telegram from the Secretary, U. P. Ayurvedic Conference, dated the 2nd September 1924.
85. Letter from the Joint Secretary, Benares Liberal League, dated the 18th September 1924.
86. Endorsement from the Secretary, Sri Bharat Dharma Maha mandal, Benares, dated the 10th September 1924.
87. Letter from the Secretary, U. P. Liberal Association, Allahabad, dated the 30th September 1924.
88. Letter from the Secretary, District Muslim League, Moradabad.

*Punjab.*

89. Memorandum by Mr. Harkishan Lal, *ex*-Minister, Punjab.
90. Memorandum by the Hon'ble Sir John Maynard, Member of the Executive Council, Punjab.
91. Memorandum by Punjab Provincial Muslim League, Lahore.
92. Memorandum by Mr. M. Barkat Ali, Vice-President, the Punjab Provincial Muslim League, Lahore.
93. Memorandum by Mr. Gulshan Rai, Lahore.
94. Memorandum by Pundit Nanak Chand, Lahore.
95. Memorandum by Chaudhuri Bahwal Baksh, Zaildar, M.L.A.
96. Memorandum by Dr. Nand Lal, M.L.A.
97. Memorandum by Mr. G. R. Sethi, Amritsar.
98. Letter from Mr. Narinjan Das, Bar.-at-Law, Sialkot.
99. Letter from Mr. Lachman Das, Pleader, Jagadhri, District Ambala, dated the 18th September 1924.
100. Letter from the Secretary, District Soldiers' Board, Jhelum, dated the 21st September 1924.

*Bihar and Orissa.*

101. Letter from the General Secretary, Bihar Provincial Kisan Sabha, dated the 20th August 1924.
102. Letter from the General Secretary, Bihar Provincial Kisan Sabha, dated the 21st August 1924.
103. Memorandum by the Hon'ble Lala Sukhbir Sinha, Muzaffarnagar, Member of the Council of State.

*Burma.*

104. Telegram from the Chairman, All-Burma Union Conference, Mandalay, dated the 15th August 1924.

105. Telegram from the Secretary, Nationalist Party, Rangoon, dated the 13th August 1924.

106. Telegram from the Honorary Secretary, the General Council of Burmese Associations, Burma, Rangoon, dated the 15th August 1924.

107. Telegram from some elected members of the Burma Legislative Council, dated the 3rd October 1924.

*Central Provinces.*

108. Memorandum by Mr. S. M. Chitnavis, *ex*-Minister, Central Provinces.

109. Memorandum by Rao Bahadur N. K. Kelkar, *ex*-Minister, Central Provinces.

110. Letter from the Chief Secretary to the Government of the Central Provinces, No. C./387, dated the 29th October 1924.

111. Memorandum by Mr. D. W. Kathalay, Secretary, Central Provinces and Berar Provincial Bar Association, Nagpur.

112. Memorial by the Berar Maratha Agriculturists Sangh (League), Khamgaon, Buldana District, Berar.

113. Letter from Mr. Pandurang Vithal, Nagpur, dated the 20th August 1924.

*General.*

114. Memorandum by Mr. J. E. C. Jukes, Officer on Special Duty in the Finance Department, Government of India.

115. Memorandum by Mr. G. H. Spence, Deputy Secretary, Legislative Department, Government of India.

116. Supplementary memorandum by Mr. G. H. Spence, Deputy Secretary, Legislative Department, Government of India.

117. Proceedings of a ladies' meeting held at Simla and resolutions passed therein.

118. Memorandum on behalf of the Parliamentary Muslim Party of the Legislative Assembly.

119. Memorandum of the Railway Department, Government of India.

120. Telegram from Mrs. Cousins, Secretary, Women's Indian Association, Madras, dated the 12th August 1924.

121. Telegram from the women of Sind, Karachi, dated the 3rd September 1924.

122. Letter from the Secretary, Bombay Presidency Women's Council, Bombay, dated the 30th September 1924.

123. Letter, dated the 30th September 1924, from Mrs. U. K. Basu, President of the Ladies' meeting held on the 24th September 1924 in the Donovan Girls' School at Madaripur, Bengal.

124. Letter from the Honorary Secretary, Women's Indian Association, Poona Branch, Poona, dated the 28th September 1924.

125. Letter from the Honorary Secretary, Bombay Presidency Women's Council, Ahmedabad, dated the 15th October 1924.

126. Letter from the Honorary Secretary, Women's Indian Association, Bombay, dated the 18th September 1924.

127. Letter from the Secretary, Bombay Presidency Social Reform Association, Bombay, dated the 30th October 1924.

128. Letter from the Honorary Secretary, Women's Indian Association, Adyar, Madras, dated the 12th August 1924.

129. Letter from the Secretary, Jain Mitra Mandal, Delhi, dated the 13th October 1924.

130. Letter from the General Secretary, the Sadhu Mahamandal, South India, Secunderabad, dated the 10th August 1924.

# APPENDIX No. 2.

## MEMORANDUM ON THE LEGAL AND CONSTITUTIONAL POSSIBILITIES OF ADVANCE WITHIN THE GOVERNMENT OF INDIA ACT.

### I.

### *The Central Government.*

*Constitutional Position under the Act.*

The fundamental characteristics of the existing constitution are that the Act maintains the responsibility of the Government of India to His Majesty's Government and to Parliament. Though it creates a Legislature which it was intended should be representative of the people of India, the Act does not give control over the executive government to that legislature except in respect of legislation and certain financial matters specified in the Act.

*Powers under the Act for Advance.*

The following sections of the Act, *viz.*, 19A, 36 (5), 43A, 45A, 64, 67 (1), 96B and 96C are the sections which require consideration when determining the possibilities of advance.

SECTION 19A.—*Relaxation of the Secretary of State's Control.*

Section 19A of the Government of India Act gives power "to the Secretary of State in Council, notwithstanding anything in the Act, by rule to regulate and restrict the exercise of the powers of superintendence, direction and control vested in the Secretary of State and the Secretary of State in Council by this Act or otherwise in such manner as may appear necessary or expedient in order to give effect to the purposes of the Government of India Act, 1919".

The rule-making power conferred by this section is subject to the limitation of all subsidiary legislation. That is to say, rules made under the Section cannot affect the structure of the constitution set up by the Government of India Act, 1919, and must be in keeping with the fundamental principles of that constitution.

The intention of the section is indicated in the Memorandum on the Government of India Bill presented by the Secretary of State to Parliament in 1919. The present section was represented in that Bill by clause 23 which also dealt with the permissive relaxation of the powers of superintendence, direction and

control over local Governments vested in the Governor General in Council, which permissive relaxation is now provided for in section 45A, sub-section (3), of the Act. The Memorandum in referring to clause 23 stated:—

> "It enables the Secretary of State in Council to make Rules regulating and restricting the exercise of the general powers of control vested in the Secretary of State, the Secretary of State in Council and the Governor General in Council under the provisions of the main Act [Sections 2, (2), 33 and 45]."

SECTION 36 (5).—*Constitution of the Governor General's Executive Council.*

Excluding the Commander-in-Chief there are six members of the Executive Council; three of these are required to have the 10 years' qualification. There is thus a practical limitation upon the power of prescribing qualifications under sub-section (5) as rules can only be made in regard to the qualifications of a maximum of three members unless His Majesty increases the number of members of Council under sub-section (2). In regard to these three members also so far as one of them is concerned this assumes the possibility of imposing an additional qualification upon the legal qualification already imposed as regards one member in sub-section (3).

It would be legally possible by rule under section 36 (5) to prescribe that a certain number of Members of the Executive Council shall be appointed from amongst the elected Members of the Indian Legislature. It has further been suggested that it would be legally possible to prescribe that a certain number of Members of the Executive Council should be Indians. The basis of this suggestion is that the word "qualification" is also used in clauses (c) and (*d*) of section 64 (1) of the Act in regard to electors and members of the two Houses of the Indian Legislature, and that under this provision the qualification of being a member of a particular community has been prescribed in the Electoral Rules.

SECTION 43A.—*Appointment of Council Secretaries.*

It is possible under the Act for the Governor General to appoint Council Secretaries from among the Members of the Legislative Assembly.

SECTION 45A.—*Classification of Subjects.*

It is possible to extend the scope of provincial administration by classifying subjects which are now "central" as "provincial". The limitation upon such action is to be found in the fact that the Act clearly assumes that there shall be a central government to exercise central functions and in which the superintendence, direction and control of the Government of India, in so far as such powers are not relaxed by the Act of Rules, shall be vested. The Act in fact requires the appointment of a Governor General and of at least four Members of Council in addition to the Commander-in-Chief. The Governor General in Council is the authority concerned with the military government of India and therefore must in this respect be left untouched in his authority. The Act also provides for two Chambers of the Indian Legislature and clearly contemplates that those Chambers shall be concerned with a substantial share of the government of India. It therefore would be opposed to the policy of the Act if subjects which are now central were to be made provincial to such an extent that the central government would not continue to exercise a substantial share in the administration of government in India.

SECTION 64.—*Electoral Rules.*

The only possibility of constitutional advance by means of rules under section 64 is in respect of the franchise. Here it would be possible to alter or extend the franchise and it would also be possible to change its basis.

SECTION 67.—*Indian legislative Rules.*

So far as legislative powers are concerned, no rules will affect the statutory restrictions in sections 65 and 67 (2). Further in regard to the functions of the Legislature relating to supply, no rules can extend the powers specified in section 67A. It would be impossible to provide by an amendment of the Legislative Rules that a resolution should be binding upon the Executive Government without an amendment of the Government of India Act. Such action would give the Legislature direct control in administration such as could only be effected by definite statutory provisions. Section 67 (1), indeed, clearly contemplates nothing more than the discussion of subjects.

SECTIONS 96B AND 96C.—*The Civil Services in India.*

Under sub-section (2) of section 96B, the Secretary of State in Council may make rules for regulating the classification of the civil services in India, the methods of their recruitment, their conditions of service, pay and allowances, and discipline and conduct. Under this provision, the Secretary of State has already made a number of rules including the Fundamental Rules, Rules relating to the classification of services, Rules relating to Appeals, and so on. The rules made under the sub-section may delegate the power of making rules to the Governor General in Council or the local Governments, or authorise the Indian Legislature or local legislatures to make rules regulating the public services. The rules already made do frequently delegate the power of making subsidiary rules to the Governor General in Council or to local Governments. In particular, the Fundamental Rules give power, in regard to the matters with which those rules are concerned, to local Governments to make rules modifying or replacing any of the Fundamental Rules in relation to services under the administrative control of the local Governments other than the All-India Services. Powers already delegated on these lines to the Executive Governments in India could, of course, be extended; and rules authorizing the Indian legislature or local legislatures to make laws regulating the public services could be made and would constitute a constitutional advance. In analogy with the provision in the Fundamental Rules referred to above, such rules could, in regard to the provincial services delegate functions to local Governments, and therefore, in regard to services serving in departments dealing with the transferred subjects to the Ministers. Such rules would constitute a constitutional advance, but before such rules are made, it would be necessary to constitute a Public Services Commission under section 96C. This is, in fact the manner in which the provisions of section 96C affect any constitutional advance in regard to the control of services, and presumably action under section 96C would also precede any action by rules under section 96B which would delegate power to make laws regulating the public services to the

Indian Legislature or to local legislatures. In fact a Public Service Commission under that section would discharge such functions in regard to recruitment and control of the public services as would be assigned to it by rules made by the Secretary of State in Council.

Rules regulating the right of persons in the civil service of the Crown to pensions, and the scale and conditions of those pensions are made under sub-section (3) of section 96B and there is no provision in that sub-section permitting the making of rules delegating the power to make rules to the Executive Governments in India or to the legislatures in India. This, therefore, constitutes a limitation upon the possibilities of constitutional advance under section 96B.

## II.

### *The Governments of Governors' Provinces.*

*Constitutional Position under the Act.*

Perhaps the main feature of the existing constitutions of Governors' Provinces is the separation of functions for which they provide. The constitutions provide for the discharge by the Provincial Governments within their own Provinces of many duties as agents of the Central Government, that is, in regard to central subjects. In regard to provincial subjects authority is, with certain qualifications, definitely committed to the Provincial Governments to which also portions of the revenues of India are definitely allocated in order to enable them to meet the expenditure involved in administering the provincial subjects. The provincial subjects are divided into two classes, the reserved subjects and the transferred subjects. In regard to reserved subjects the constitution maintains the responsibility of the Provincial Government to the Governor General in Council, to His Majesty's Government and to Parliament. The extent of the control of the local legislature over the executive Government in regard to the administration of such reserved subjects was intended to be similar to that of the Indian legislature over the Central Government. Such reserved subjects are

administered by the Governor in Council. The transferred subjects are administered by the Governor acting with his Ministers and in relation to these subjects the constitution provides that the Governor shall be guided by the advice of his Ministers unless he sees sufficient reason to dissent from their opinion in which case he may require action to be taken otherwise than in accordance with that advice. In administering these subjects it was intended that the Ministers should be responsible to the local Legislative Councils.

*Powers under the Act for advance.*

The following sections of the Act, *viz.*, 19A, 30 (1*a*), 45A, 47 (3), 52 (3), proviso, 52 (4), 52A (1), 52A (2), 60, 72A, 72D (5), 80A (3) (*a*), 80A (3) (*f*), 80A (3) (*h*), 81A, 96B and 96C are those which require consideration in this part of the Memorandum.

SECTION 19A.—*Relaxation of the Secretary of State's control.*

So far as reserved subjects are concerned, the position is the same as indicated in regard to central subjects in Part I. In regard to transferred subjects it is possible to reduce the general powers of control of the Secretary of State and of the Secretary of State in Council still retained in the rule made under the section.

SECTION 30(1*a*).—*Borrowing Powers of Provincial Governments.*

It is possible to reduce the restrictions upon the borrowing powers of provincial Governments contained in the local Government Borrowing Rules.

SECTION 45A.—*Classification of subjects.*

It is possible to change subjects, which are now central, into provincial and to increase the number of transferred subjects. The limitation upon the increase in the number of transferred subjects is to be found in the fact that the Act provides for a reserved side of the Government, that is, the number of transferred subjects could not be increased to such an extent as to be inconsistent with the policy and purpose of the Act. It is possible for the Secretary of State by action under section 46, sub-section (3), to revoke or suspend a council, but in that event such reserved subjects as are retained could be administered by the Governor.

It is also possible to reduce the powers of control over provincial Governments given by the Devolution Rules and to make other amendments in those Rules.

It is also possible to extend the powers of the local legislative councils by reducing the number of subjects which are subject to legislation by the Indian legislature.

SECTION 47(3).—*Constitution of a Governor's Executive Council.*

The number of members of a Governor's Executive Council may not exceed four, and one of them is required to have the twelve years' service qualification. As regards the remaining members rules may be made as to their qualifications in the same way as is indicated in regard to the qualifications of members of the Executive Council of the Governor General in Part I.

SECTION 52(3) *proviso.*—*Administration of Transferred subjects in an Emergency.*

It is possible to modify the Transferred Subjects (Temporary Administration) Rules. On the other hand, however, some rules are required to enable necessary action to be taken in a time of political crisis and to guard against the administration of any transferred subjects being brought to a standstill.

SECTION 52(4).—*Appointment of Council Secretaries.*

It is possible under the Act in cases in which such action has not already been taken, for a Governor to appoint Council Secretaries from among the non-official members of the local legislature.

SECTION 52A(1).—*Administration by a deputy Governor.*

Attention is drawn to the possibility of placing part of a Governor's province under the administration of a deputy Governor appointed by the Governor General and the application of the provisions of the Act relating to Governors' provinces, with such modifications as appear necessary or desirable, to that part of a province.

SECTION 52(2).—*Backward Tracts.*

It is possible to reduce the number of backward tracts, and to modify the exceptions and modifications in the Act which have been prescribed for any particular backward tract.

SECTION 60.—*Boundaries of Provinces.*

It is possible to alter the boundaries of provinces so as to obtain more convenient units of administration for the purposes of ultimate provincial autonomy.

SECTION 72A.—*Electoral Rules.*

As indicated in Part I constitutional advance could be obtained in regard to the franchise and also by including tracts that are now excluded in the areas of constituencies.

SECTION 72D(5).—*Legislative Rules.*

The position is the same as indicated in Part I in regard to the Indian Legislative Rules.

It is possible to modify the Scheduled Taxes Rules in the direction of giving greater powers of provincial taxation to the provincial governments.

SECTION 80A(3)(a).—*Provincial Taxation.*

This clause is referred to in regard to the remarks made under section 45A as regards reducing the number of subjects which are subject to legislation by the Indian legislature.

SECTION 80A(3)(*f*).—*Sanction to Provincial Legislation.*

It is also possible to decrease the number of local Bills which require previous sanction by modifications of the Local Legislature (Previous Sanction) Rules.

SECTION 80A(3)(*da*).—*Sanction to Provincial legislation.*

It is possible to reduce the number of Bills which must be reserved for the consideration of the Governor General by modifications of the Reservation of Bills Rules.

SECTION 81A.—*Reservation of Provincial Bills.*

The position in regard to the possibilities of action under these sections has been indicated in Part I.

SECTIONS 96B AND 96C.—*The Civil Services in India.*

# APPENDIX No. 3.

Statement of particulars regarding the number of electors at the date of the General Elections, 1923.

| Province. | Provincial Legislative Councils. | | | | | | | | | | | Legislative Assembly. | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Population (in thousands) (1921 Census.) | Total male population of 20 years of age and over (in thousands) (1921 Census.) | Male literate population of 20 years of age and over (in thousands) (1921 Census). | Male electorate for general constituencies (in thousands). | Percentage of male electorate to total male population 20 years of age and over. | Number of general seats. | Male population of 20 years of age and over (in thousands) per general seat. | Male electorate per general seat (in thousands). | Percentage of male electors who voted in contested general constituencies. | Female electorate in general constituencies (in thousands). | Percentage of female electors who voted in contested general constituencies. | Male electorate in general constituencies (in thousands). | No. of general seats. | Male population 20 years of age and over per general seat (in thousands). | Male electorate per general seat (in thousands). | Percentage who voted in contested general constituencies. | Female electors in general constituencies (in thousands). | Percentage who voted in contested general constituencies. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| Madras | 42,318 | 11,100 | 2,367 | 1,185 | 10·7 | 85 | 131 | 14 | 38 | 89 | 10 | 243 | 14 | 793 | 17 | 42·7 | 13 | 10·4 |
| Bombay‡ | 19,291 | 5,522 | 1,028 | 595 | 10·8 | 75 | 74 | 8 | 49·5 | 28 | 18 | 141 | 13 | 425 | 11 | 38·6 | 3 | 7·2 |
| Bengal | 46,695 | 12,324 | 2,779 | 1,034 | 8·4 | 92 | 134 | 11 | 38·8 | ... | ... | 181 | 15 | 822 | 12 | 40·8 | ... | ... |
| United Provinces | 45,375 | 12,761 | 1,142 | 1,505 | 11·8 | 90 | 142 | 17 | 43·5 | 49 | 2·5 | 162 | 15 | 851 | 11 | 45·2 | 4 | Not available. |
| Punjab | 20,685 | 5,839 | 566 | 622 | 10·7 | 64 | 93 | 10 | 49·1 | ... | ... | 63 | 11 | 531 | 6 | 59·6 | ... | ... |
| Bihar and Orissa | 34,002 | 8,501 | 1,102 | 337 | 3·9 | 67 | 127 | 5 | 52·1 | ... | ... | 70 | 11 | 773 | 6 | 43·9 | ... | ... |
| Central Provinces | 13,912 | 3,601 | 408 | 150 | 4·2 | 47 | 76 | 3 | 57·4 | ... | ... | 25 | 5 | 720 | 5 | 41·6 | ... | ... |
| Assam | 7,606 | 2,002 | 307 | 223 | 11·0 | 33 | 61 | 7 | 42·0 | ... | ... | 27 | 4 | 500 | 7 | 33·3 | ... | ... |
| Burma* | 13,169 | 3,685 | 2,284 | 1,763 | 47·8 | 73 | 50 | 24 | 7·1 | ... | ... | 36 | 4 | 921 | 9 | 23·3† | 5 | Not available. |
| Delhi | 488 | 164 | 35 | ... | ... | ... | ... | ... | ... | ... | ... | 4 | 1 | 164 | 4 | 30 | ... | ... |
| Ajmer-Merwara | 495 | 148 | 33 | ... | ... | ... | ... | ... | ... | ... | ... | 3 | 1 | 148 | 3 | 74·5 | ... | ... |

*The figures for this election to the provincial council relate to the general election of 1922 as no general election for the council was held in Burma in 1923; separate figures for female electors in Burma at that election are not available.

†Includes females.

‡Excludes Aden.

# APPENDIX No. 4.

Statement showing the monthly balances of the several Provincial Governments for the year 1922-23.

*The figures are in lakhs of rupees.*

| Provincial Governments. | April. | May. | June. | July. | August. | September. | October. | November. | December. | January. | February. | March. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Madras— | | | | | | | | | | | | |
| Net balance . . . . | 50 | 89 | 104 | 105 | 85 | —53 | —74 | —107 | —126 | —133 | —9 | 3 |
| Bombay— | | | | | | | | | | | | |
| Net balance . . . . | 286 | 299 | 294 | 280 | 244 | 201 | 162 | 162 | 187 | 243 | 442 | 573 |
| Bengal— | | | | | | | | | | | | |
| Net balance . . . . | 77 | 64 | 59 | 15 | —3 | —29 | —24 | —40 | —52 | 17 | 10 | 87 |
| United Provinces— | | | | | | | | | | | | |
| Net balance . . . . | 215 | 256 | 391 | 445 | 437 | 319 | 229 | 211 | 257 | 266 | 283 | 83 |
| Punjab— | | | | | | | | | | | | |
| Net balance . . . . | —32 | —95 | —13 | 209 | 204 | 97 | 53 | 9 | —52 | 3 | 102 | ... |
| Burma— | | | | | | | | | | | | |
| Net balance . . . . | 575 | 550 | 522 | 477 | 385 | 346 | 325 | 273 | 243 | 217 | 200 | 367 |
| Bihar and Orissa— | | | | | | | | | | | | |
| Net balance . . . . | 96 | 93 | 99 | 87 | 80 | 77 | 84 | 85 | 77 | 103 | 112 | 121 |
| Central Provinces and Berar— | | | | | | | | | | | | |
| Net balance . . . . | 18 | 29 | 56 | 68 | 62 | 47 | 34 | 22 | 14 | —18 | 38 | 47 |
| Assam— | | | | | | | | | | | | |
| Net balance . . . . | 11 | 17 | 14 | 9 | —1 | —17 | —16 | —20 | —30 | —28 | —15 | —12 |

# MINORITY REPORT.

## CHAPTER I.

### PRELIMINARY.

TO HIS EXCELLENCY THE GOVERNOR GENERAL IN COUNCIL.

YOUR EXCELLENCY,

We have the honour to submit, for Your Excellency's consideration, our Report on the working of the Reformed Constitution with our recommendations.

Having taken part in the discussion of a considerable portion of the draft Report which was placed before us and having found in the course of our discussions that there were fundamental differences between our colleagues and ourselves, we have considered it our duty to present to Your Excellency our separate Report.

The terms of reference to us were as follows :—

(1) to inquire into the difficulties arising from, or defects inherent in, the working of the Government of India Act and the Rules thereunder in regard to the Central Government and the Governments of Governors' Provinces; and

(2) to investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistent with the structure, policy and purpose of the Act,

(*a*) by action taken under the Act and the Rules, or

(*b*) by such amendments of the Act as appear necessary to rectify any administrative imperfections.

The Committee were authorised to receive written evidence and also to record the oral evidence of such persons as might desire to present themselves as witnesses. Accordingly this Committee met in Simla on the 4th August 1924, and after preliminary discussions *in camera*, proceeded to record the oral evidence of a number of persons who offered themselves as witnesses either in their individual capacity or as representatives of Local Governments, political bodies or associations. Among other witnesses we have had the advantage of recording the oral examination of the following gentlemen who have held the office of Minister or Member of Executive Council and of others who submitted to us their written Memoranda. Messrs. S. M. Chitnavis and Rao Bahadur N. K. Kelkar, *ex*-Ministers, Central Provinces, C. Y. Chintamani, *ex*-Minister, United Provinces, Lala Harkishen Lal,

*ex*-Minister, Punjab, Mr. A. K. Fazlul Huq and Sir P. C. Mitter, *ex*-Ministers, Bengal, the Hon'ble Sir Abdur Rahim, Member of the Executive Council, Bengal, the Hon'ble Sir John Maynard, Member of the Executive Council, Punjab, Sir Chimanlal Setalvad, late Member of the Executive Council, Bombay.

We regret to say that we have not had the advantage of examining any persons who have held office in the Local Governments of Madras, Bihar and Orissa, Assam and Burma. But we have summarised in brief the opinions of such of them as appended statements to the Reports of their respective Governments towards the end of our Report.

The other officials whom we have examined are Sir Frederick Gauntlett, K.B.E., Auditor General, Mr. J. E. C. Jukes, I.C.S., Mr. A. Marr, I.C.S., Secretary in the Finance Department to the Government of Bengal upon financial questions, and Mr. G. H. Spence, I.C.S., Deputy Secretary in the Legislative Department of the Government of India upon the question of control over provincial legislation by the Governor General. We have also been furnished with a memorandum by the Railway Department in regard to the procedure for the discussion of the Railway estimates in the Legislative Assembly. We have also received statements from the Governments of the Central Provinces and Bombay dealing with certain points arising out of the evidence tendered before us by Rao Bahadur Kelkar and Sir Chimanlal Setalvad respectively.

We beg to point out that, having regard to terms of reference, we felt at the very commencement of our work that although it was open to us to traverse a large ground so far as the enquiry was concerned, yet in the matter of remedial proposals our scope was very much limited by the language used in clause (2) of the terms of reference. Some of us raised this question at the very first meeting of the Committee, and though the remedies which the Committee are competent to recommend must be consistent with the structure, policy and purpose of the Act or of such a character as to rectify any administrative imperfections, we hold that if the inquiry shows that such remedies will not lead to any substantial advance, the Committee are not precluded from indicating their views to that effect.

## CHAPTER II.

### HISTORY OF THE DEMAND FOR FURTHER ADVANCE.

At the outset we desire to trace the recent history of the demand for constitutional development. On the 23rd September 1921, a resolution was moved in the Legislative Assembly by Rai Jadu Nath Mozumdar Bahadur for the establishment of autonomy in the provinces and the introduction of responsibility in the Central Government. To that resolution an amendment was moved by Mr. Jamnadas Dwarkadas on 29th September 1921, in which he asked the Governor General in Council " to appoint a Committee consisting of officials and non-officials, including members of the Indian Legislature, to consider the best way of bringing about provincial autonomy in all the Governors' provinces and of introducing responsibility in the Central Government and to make recommendations ". After referring to Mr. Montagu's speech on section 84 of the Government of India Act and to the opinion expressed in the Joint Select Committee's Report that " a statutory Commission should not be appointed until the expiration of ten years, and that no changes of substance in the Constitution whether in the franchise or in the list of reserved and transferred subjects or otherwise should be made in the interval, Sir William Vincent, the then Home Member, who spoke on behalf of the Government, proceeded to explain the attitude of the Government as follows :—

Government of India's attitude in 1921.

" I do not say for a moment that these decisions are like the law of the Medes and the Persians, or that they cannot be altered nor do I personally believe that the present transitional scheme of the Government can last as long as is expected. I think we in the Government of India appreciate that as much as any one; indeed, the Secretary of State dealing with this matter himself said : ' If there is a remarkable unforeseen development in Indian conditions in the short space of ten years—because ten years is a very short time, my honourable friend is quite wrong—the Act does not tie the hands of Parliament and there can always be a Commission in the interval.' At the end of the debate, Sir William Vincent suggested a formula which was finally adopted as an amended resolution. It ran thus : " That this Assembly recommends to the Governor General in Council that he should convey to the Secretary of State for India the view of this Assembly that the progress made by India on the path of responsible government warrants a re-examination and revision of the Constitution at an earlier date than 1929." This resolution was adopted by the Assembly without division. The Government of India submitted a report of this debate to the Secretary of State. On the 2nd November 1922, the Secretary of State sent a despatch to the

Government of India copies of which were laid on the table of both chambers of the Indian Legislature. The Secretary of State was then apparently of the opinion that the possibilities of the new Constitution had not been exhausted and he assigned three reasons against further amendment of the Government of India Act. The first reason was that progress was possible under the existing Constitution. The second reason was that the merits and capabilities of the electorate had not been tested by time and experience. The third reason was that the new constitutional machinery had still to be tested in its working as a whole. On these grounds he refused to entertain the proposal for advance as contained in the resolution of the Assembly referred to above. This despatch of the Secretary of State was followed by a resolution moved in the Assembly by Diwan Bahadur T. Rangachariar on the 22nd February 1923, expressing extreme dissatisfaction with it. The debate on this was adjourned, after a certain amount of discussion, *sine die*. Another resolution was moved by Dr. H. S. Gour on the 18th July 1923 which recommended to the Governor-General to move the Secretary of State to carry out his suggestion contained in his despatch on the subject of the further reforms possible under the Constitution. This resolution was carried in the Assembly by 43 votes to 30. It was in the course of his speech in this debate that Sir Malcolm Hailey, Home Member, expounded his views on the process of making rules under Section 19A. We propose to quote the relevant portion of his speech in a succeeding chapter. Early in 1924 a resolution was moved by Diwan Bahadur Rangachariar recommending an early revision of the Government of India Act with a view to secure for India full self-governing dominion status within the British Empire and provincial autonomy in the provinces. An amendment to this resolution was moved by Pandit Moti Lal Nehru suggesting the summoning at an early date of a Round Table Conference to recommend, with due regard to the protection of the rights and interests of important minorities, the scheme of a Constitution for India; and after dissolving the Central Legislature, to place the said scheme for approval before a newly elected Indian Legislature and submit the same to British Parliament to be embodied in a statute. The resolution as amended was adopted by the Assembly on the 18th February 1924, 76 non-officials voting for and 48 (23 officials and 25 non-officials) voting against. In the course of his final speech delivered on the same day, the Hon'ble Sir Malcolm Hailey indicated that the Government were prepared to institute an enquiry. "If our enquiry", he said, "into the defects of the working of the Act shows the feasibility and the possibility of any advance within the Act, that is to say, by the rule-making power provided

Lord Peel's Despatch.

Further Reforms under the Constitution.

by Parliament under the statute, we are willing to make a recommendation to that effect, but if our enquiry shows that no advance is possible without amending the Constitution, then the question of advance must be left as an entirely open and separate issue on which the Government is in no way committed. To that extent the scope of our enquiry goes somewhat beyond that originally assigned to it, but I must again emphasise the fact that it does not extend beyond that scope to the amendment of the Constitution itself ". This debate was followed by the appointment of an official Committee for the purpose of examining the Government of India Act and its working and of exploring the possibilities of amendments calculated to lead to improvements in the working of the machinery. This official Committee was followed by the appointment of the present Committee.

Genesis of the present enquiry.

## CHAPTER III.

### LEADING FEATURES OF THE ACT.

The leading features of the Reforms as embodied in the Government of India Act, 1919, may be summarised as follows :—In the Governors' provinces the Executive Government has been divided into two halves. The subjects of administration have been classified into transferred and reserved. The transferred subjects are those which are administered by "the Governor who shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion in which case he may require action to be taken otherwise than in accordance with that advice", while the reserved subjects are those which are administered by the Governor in Council. In each Province Legislative Councils have been expanded and the numerical strength of such Legislative Councils varies from province to province. Bengal leads with a number of 139, Madras has 127, the United Provinces have 123, Bombay has 111, Bihar and Orissa 103, the Punjab 93, the Central Provinces 60 and Assam 53 members.

Elected and Nominated Members.

The statute lays down that of the total strength of a Council not more than 20 per cent. may be official members and at least 70 per cent. must be elected. The Governor has the right of nominating a certain number of members; and for the purpose of any Bill he may nominate not more than two persons as experts, excepting in the case of Assam where only one such person can be nominated. The franchise has been widened in the provinces and constituencies have been divided into general and special; a general constituency includes the Muhammedan and European constituencies, while the special provides for the representation of landholders, Universities, Commerce and Industry. The qualifications for electors in general constituencies are not everywhere the same, though generally speaking the principles for the determination of such qualifications are more or less similar. The standards vary, however, between urban and rural constituencies.

The Governor General in Council.

In the Central Government there is no such division of subjects as in the provinces. The Executive Government, consisting of the Governor General in Council, is unitary in character with no responsibility to the Legislature, but directly under the superintendence, direction and control of the Secretary of State. The Central Legislature consists of two Chambers, the Legislative Assembly and the Council of State. The Legislative Assembly consists partly of elected and partly of nominated members, and its strength is laid down by the statute as 140, of whom 26 are official members,

14 nominated non-official members and the remaining 100 are elected. In point of fact, under the rules, there can be 103 elected members and 41 nominated, of whom 26 may be officials and one a person nominated as the result of an election held in Berar. Power is reserved, however, under the Act to increase the number of members in the Assembly and to vary the proportion which the classes of members bear one to another, subject to the condition that at least five-sevenths of the members of the Assembly shall be elected and at least one-third of the other members shall be non-officials. The maximum number of members of the Council of State is fixed at 60. As at present constituted, it consists of 34 elected members, 6 nominated officials and 20 non-official nominated members. Ordinarily speaking, no Bill can be deemed to have been passed unless it has been agreed to by both Chambers.

Powers of the Legislatures.

It is necessary to point out that the powers of the Provincial Legislatures as well as of the Central Legislature in regard to the budget have in some respects been increased compared with those existing before the passing of this Act. Excepting in regard to certain subjects which are protected by section 67A from the vote of the Assembly and discussion by either Chamber, the proposals of the Governor General in Council for the appropriation of revenues or money relating to heads of expenditure are submitted to the vote of the Assembly in the form of Demands for Grants. If the Assembly refuses a grant and the Governor General in Council is satisfied that it is essential to the discharge of his responsibility, the Governor General in Council has the power of restoring such demand. Special powers are reserved to the Governor General enabling him to authorise in cases of emergency such expenditure as may, in his opinion, be necessary for the safety, tranquillity or interests of British India or any part thereof. The power of certification is further reserved to the Governor General in respect of any Bill, provided he is satisfied that it is essential for the safety, tranquillity or interests of British India or any part thereof. The procedure in regard to certification is laid down by section 67B. The Governor General has also the power, in cases of emergency, to pass ordinances for the peace and good Government of British India to operate for a period of six months at a time.

Similarly, in regard to Governors' provinces, the procedure is laid down with regard to the budget by section 72D. The proposals of the Local Government for the appropriation of provincial revenues and other moneys are submitted to the vote of the Council in the form of Demands for Grants. The Governor has the power of restoring any demand refused by the Council, if it relates to a reserved subject, provided that he certifies that the expenditure in question is essential to the discharge of his responsibility for

the subject. The Governor has also the power of preventing the introduction of any Bill if he certifies that that Bill or any part of it affects the safety or tranquillity of his province or any part of it or of another province, and upon such certification the proceedings are dropped. Similarly, where Legislative Councils refuse leave to introduce or fail to pass, in a form recommended by the Governor, any Bill relating to a reserved subject, the Governor may certify that the passage of the bill is essential for the discharge of his responsibility for the subject and thereupon the Bill is deemed to have passed. It is important to bear in mind here that the power of control vested in the Secretary of State is laid down by sections 2 and 33 of the Government of India Act. The powers of the Local legislatures are laid down in section 80A, but there are certain classes of laws which they cannot make or take into consideration without the previous sanction of the Governor General. That power is, no doubt, exercised subject to the provisions of this Act and the rules made thereunder. In regard to the transferred subjects, the manner in which the power of superintendence, direction and control over the local Governments vested in the Governor General in Council is to be exercised, is prescribed by rule 49 of the Devolution Rules.

Central control.

We have in the above paragraphs tried to summarise some of the leading features of the present Act so far as it affects the Central Government and the Provincial Governments. It seems to us that the immediate purpose of the Act of 1919 was to establish what is now generally known as the system of dyarchy in the provinces and no responsibility in the Central Government. So long as this Act continues to be on the Statute Book, it is impossible to dispense altogether with the classification of subjects into reserved and transferred. It therefore follows from clause 2 of the terms of reference by which we are bound that the utmost limit of any positive suggestions open to us is the transfer of more subjects or the amendment of certain rules or even of the Act itself in matters of detail for the rectification of administrative imperfections.

Dyarchy an indispensible feature.

## CHAPTER IV.

### CONSTITUTIONAL RELATIONS OF GOVERNORS, MINISTERS AND EXECUTIVE COUNCILLORS.

Constitution of Local Governments.

The three presidencies of Madras, Bombay and Bengal have, since the initiation of the Reforms, been presided over, as they generally were before, by Governors recruited from the public life of England. The other provinces have been presided over by Governors recruited from the Indian Civil Service excepting for a period of less than a year when Lord Sinha held charge of the province of Bihar and Orissa. In Madras, Bombay and Bengal the Executive Councils have consisted of four members, two of whom have been members of the Indian Civil Service and the remaining two non-official Indians. In the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces and Assam, the Executive Councils have consisted of two members, one taken from the Civil Service and the other from among non-official Indians, excepting in Bihar where for a period of nearly two years there were three members, two of whom belonged to the Indian Civil Service. So far as we know, in three provinces, namely, the United Provinces, the Central Provinces and Madras, the portfolios of law and order have been placed in charge of Indian members of the Executive Councils and only in one province, namely Bihar and Orissa, since the reduction of the size of the Executive Council the Indian member of the Executive Council has held the portfolio of finance. This represents generally the constitution of the reserved half of the Executive Government in the provinces. So far as the transferred half of the Executive Government is concerned, in Madras and Bombay three Ministers have administered the transferred subjects. In Bengal, too, there were three Ministers during the first three years, but after the resignation of Mr. S. N. Mullick in the early part of this year, the third vacancy was not filled. In every other province, there have been two Ministers in charge of the transferred subjects except in Bengal and the Central Provinces, where owing to the opposition of the Swaraj party in the Legislative Councils, the transferred departments are now administered by the Governor.

The Governor's position.

The constitutional position of the Governor in relation to his Executive Council is laid down by section 50 of the Government of India Act. The members of the Executive Council are appointed by His Majesty. The Governor has the power under section 49 of making rules of business. In the event of a difference of opinion between him and his Executive Council, the Governor in Council is bound by the opinion and decision of the majority of those present, and if they are equally

divided, the Governor or other person presiding has a second or casting vote. In cases relating to the safety, tranquillity or interests of his province, the Governor has under section 50 (2) the power of overruling his Executive Council.

The Governor in Council is subject to the superintendence, direction and control of the Government of India and ultimately of the Secretary of State, subject, of course, to the provisions of the Act and the rules made thereunder.

Ministers.

Ministers are appointed by the Governor and hold office during his pleasure. Ordinarily, they are appointed from among the elected members of the local Legislature, but it is open to the Governor to appoint as a Minister a person who is not a member at the time of his appointment, but such person cannot hold office for a period longer than six months unless he is or becomes one.

The Governor and his Ministers.

As regards the constitutional relation of the Governor to his Ministers, some comment has been made on it in the course of the evidence recorded by us. That relation is laid down by section 52 (3) as follows:—"In relation to transferred subjects the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice." It has been stated before us (we have particularly in view the evidence of Rao Bahadur N. K. Kelkar, late Minister in the Central Provinces) that this section reduces the position of a Minister to that of a mere adviser to the Governor. We do not agree with this view. In our opinion the Governor is bound to accept the advice of his Ministers except when he sees sufficient cause to dissent from their opinion, in which case he can overrule them. It would be wrong to hold that in view of this section Ministers cannot be said to administer the subjects in their charge. At the same time we are bound to point out that the power given to the Governor of overruling his Ministers and directing a course of action contrary to their advice is wholly opposed to constitutional ideals or usage. No similar provision entitling the Governor to override the Ministers and to dictate a course of action contrary to their advice is to be found in the Constitution of any responsible government.

Joint Select Committee's view.

The Governor, said the Joint Select Committee, "should never hesitate to point out to the Ministers what he thinks is the right course or to warn them if he thinks they are taking the wrong course. But if, after hearing all the arguments, Ministers should

decide not to adopt his advice, then, in the opinion of the Committee, the Governor should ordinarily allow Ministers to have their way, fixing the responsibility upon them, even if it be subsequently necessary to veto any particular piece of legislation. It is not possible but that in India as in all other countries, mistakes will be made by Ministers, acting with the approval of the majority of Legislative Council, but there is no way of learning except through experience and by the realisation of responsibility." If we may say so, a generous interpretation like this of the provisions of the law would seem to be far more in harmony with the spirit of the Constitution than the view taken by some Governors. We hold the opinion that this power of overriding the Ministers vested in the Governor, apart from its being incompatible with a correct view of the relation of a constitutional Governor to his Ministers has in some instances given rise to friction between some Governors and their Ministers and weakened the position of the latter.

## CHAPTER V.

### WORK OF THE LEGISLATURES.

We now propose to review the work of the Legislatures, but we consider it necessary to preface our remarks by reference to two letters of the Government of India addressed to the Governors in Council. The first letter dated 23rd April, 1923, called for a report " to enable His Excellency the Viceroy to make a comprehensive and comparative survey of the operation of the reformed system of Government in the various provinces, the direction in which the strength or weakness of the system has been manifested, the lines on which the possibility of further progress and development or the necessity for greater elements of stability has been indicated and its effects on the administration and on the general political situation." The main heads on which information was desired were (*a*) the Executive Government, (*b*) the Legislature, (*c*) the constituencies and the public, (*d*) political agitation, and parties outside the Reforms scheme and other influence on it. In compliance with this the Governors in Council submitted their reports to the Government of India on various dates in 1923.

The second letter was dated 8th April 1924. After quoting from the speeches of the Home Member delivered on the 8th and 18th February 1924, the letter in question proceeded to state: " the Government of India consider that the most profitable course to adopt, and one the likely to be most helpful to His Majesty's Government, would be to present in the first place a picture of the working of the system in the last three years, both in the legislative and in the administrative spheres attempting to separate as far as possible features of the situation which appeared to be due to characteristics of a different description. It would be impossible to base on the experience of the last three years any judgment of more than temporary validity as to the suitability of institutions such as the Act envisages to the needs and capacities of India; but a clear and discriminating appreciation of the present position will afford material not only of great value for the present purpose, but of the highest use for those who will have to reassess the position when Parliament appoints a statutory Commission."

The letter continued: " The basis of the investigation should be determination of difficulties arising from, or the defects inherent in the working of the present transitional Constitution. But it is desired in broader and more general terms, to see how far the situation can be improved without taking measures so far reaching as to involve fundamental changes in the policy and

purpose of the Government of India Act. The Government of India do not desire to restrict unduly the character of such proposals or to place too narrow an interprétation on the terms in which local Governments should commit themselves to the enquiry, subject always to the major limitation laid down above and particularly in the public pronouncements in the Indian Legislature which have been cited."

Finance and Taxation.

(1) The reports of several of the local Governments are unanimous in their acknowledgment of the sense of responsibility which actuated the Legislatures during a period of admittedly severe financial stringency in dealing with measures of finance and taxation. The Councils showed a reluctance under these conditions, which was perhaps natural, to impose fresh taxation, partly because of a feeling that but for the Meston settlement there would be no necessity for further taxation and also under the impression that there was considerable room for retrenchment in administration.

Bombay.

Thus, the Government of Bombay, in their letter of the 21st July 1923, say of the action of the Legislative Council in insisting upon retrenchment to the extent of Rs. 60 lakhs in the Budget of 1922-23. "The manner in which they attained this end was eminently practical. Instead of attempting to reduce the total by rejecting or reducing various Budget demands in detail, they wisely took the course of rejecting the Entertainments Tax Bill and threatened the rejection of the Stamps Bill if their demand for retrenchment was not sufficiently met. There is no question that the Legislative Council on this occasion felt its powers and used them wisely and justifiably. The Bill which was rejected has been subsequently passed."

Madras.

In Madras, according to the local Government's letter of the 16th July 1923, "The Council itself has urged large expenditure in many directions and has directly promoted it in the case of the subordinate services and the village officers. It has proposed schemes such as the creation of an Andhra University, the grant of free meals throughcut the presidency to school children of the poorer classes, and large increases in the number of medical schools and colleges." On the other hand the Council pressed continuously for economy in expenditure. There was a certain amount of unwillingness on its part to pass taxation measures, but its opposition was not based in every instance on the financial character of the proposal as is demonstrated by the fact that it gave its assent to the enhancement of court fees and stamp duties, but rather on an anxiety to prevent the additional burdens, from falling on the

shoulders of the poorer class of litigants. On the whole, say the local Government, " the Council has received favourably all the Government measures placed before it." The sense of responsibility of the Council in dealing with the Budgets is brought out by the admission of the Government that there were few occasions on which they had to restore grants rejected by the Council.

United Provinces.

The United Provinces Government, in their letter of 22nd August, 1923, give credit to the Council for " agreeing, within nine months of its dissolution to place moderate additional burdens on the tax-payer in order to maintain the provincial finances on a sound basis ".

Punjab.

In the Punjab, the local Government say in their letter that the Council was reluctant to impose new taxation and attribute this attitude to a very strong feeling that " the province has been over-assessed in the matter of its provincial contribution " and also to a desire for retrenchment. Also, there has undoubtedly been, it would appear, the fear of the electorate. At the same time it is acknowledged by the Government that " when excess grants were presented to it over and above what was voted, it showed its disapproval of the expenditure incurred, but did not refuse to vote the excess demands ".

Bihar and Orissa.

Equally striking is the testimony of the Government of Bihar and Orissa in their letter of the 14th August 1923, which remarks that " while the Council has shown its readiness to provide money by taxation for necessary services unquestionably it means to control to the utmost of its power the expenditure of money so raised.

The Meston Award.

It would be relevant in this connection to refer to the Meston settlement, under which each of the local Governments has got to contribute certain sums of money to the Central Government (*vide* rule 17). In the financial year 1921-22 Madras paid Rs. 348 lakhs, the United Provinces Rs. 240 lakhs, the Punjab Rs. 170 lakhs, Burma Rs. 64 lakhs, Bengal Rs. 63 lakhs, Bombay Rs. 56 lakhs, the Central Provinces Rs. 22 lakhs and Assam Rs. 15 lakhs. The rules provide minutely for reduction in the contributions, the withdrawal of balances, the interest on provincial balances, capital expenditure on irrigation works, advances by the Government of India, powers of sanctioning transferred expenditure, the establishment of a famine insurance fund, taxation and borrowing, and allocation of revenues for the administration of transferred subjects. Practically every Government has entered a protest against the injustice of the Meston award, Madras, Bombay, Bengal, the United Provinces and the Punjab are united in their demand for

the immediate revision of the settlement; several of them urge that the unwillingness of local Councils to shoulder new financial responsibilities in the form of fresh taxation is to a great extent attributable to the sense of injustice created by this award. Upon the materials before us it is impossible to examine the merits of the case for each province or to suggest an alternative to the Meston award. We think that this is a task which can best be performed by a body of financial experts and even so we apprehend that it would be extremely difficult to arrive at any satisfactory solution independently of large and substantial alteration in the Constitution. Any temporary expedient which may be adopted for the relief of any particular province is bound to be resented by other provinces, as was the case when Bengal got a remission of its contribution for a period of three years. Whether a system of provincial contributions will exist in future or the necessity of provincial contributions will be obviated is a question which will require to be examined on the basis of fuller information than we possess. In any case we are firmly of the opinion that the earliest possible opportunity should be taken to put provincial finances on a sound footing, without which we think the development of the provinces must continue to be retarded.

Law and Order.

(2) A great deal has been said, since the introduction of the Reforms, of the unwillingness of the Legislatures to give full support to the Executive in the maintenance of law and order. Some of the local Governments have referred to the opposition which they had to encounter at the hands of non-official members of the Legislative Councils to the measures which in their opinion, were necessary to deal with disturbances of the public peace. That this view is not shared by all the local Governments is proved by the statement of the Madras Government that " the Council has rendered full assistance to the Executive in all measures intended to preserve the peace and order of the country." The Punjab Government have likewise expressed their appreciation of the attitude of the Council towards Government measures as being " sympathetic and satisfactory." We may also refer in this connection to the discriminating support consistently given by the Legislative Assembly and the Council of State throughout the first three years of the Reforms to measures initiated by the Government of India in support of law and order. It is true there has been a meticulous scrutiny of the actions and policy of the Executive in this respect on the part both of the Central Legislature and of the provincial Councils. But it must be borne in mind that they came into existence very shortly after the deplorable events in the Punjab, and the first resolution to be considered by the Legislative Assembly was one dealing with the excesses committed in the course of the administration of martial law in that province. Regard must also be

had to the fact that law and order is a reserved subject and the distinction made by non-official members of the Legislative Councils between the reserved and transferred halves of the Government applied perhaps in a special degree to measures to which the Executive had to resort for coping with defiance of authority. Nor must it be forgotten that there have occasionally been instances of the excessive use or missue of authority in the name of ' law and order ' and that a critical attitude on the part of the Legislature is an inevitable consequence of this. We have been impressed by the strength and volume of the evidence in favour of the transfer of law and order to popular control. We attach particular importance to the views expressed before us by most of the *ex*-Ministers that the difficulties experienced by the Executive, such as they are, are incidental to the peculiar circumstances of the system. As typical of the opinion of responsible public men, is the following statement by Mr. Chintamani in the course of examination before us :

" *Q.*—Suppose law and order are transferred. What do you think would be the attitude of the non-official members of your Council on any critical occasion if it became necessary for the Minister to take any strong action either by legislation or otherwise?

*A.*—Their attitude would be more or less the same as at present, namely, when the Government or Minister is able to convince the Legislative Council that an occasion has arisen for employing measures not more stringent than the necessities of the situation demand, then the Legislative Council will give its support."

Mr. Chintamani denied that the United Provinces Council was hostile to law and order and instanced the support given by the Council to the enforcement of the Seditious Meetings Act in four districts in Oudh, but he added that the Council would not be worth its existence if it were not critical. We have also had the statements of *ex*-Ministers like Mr. S. M. Chitnavis from the Central Provinces and Sir P. C. Mitter from Bengal, both of whom are landlords with a considerable stake in the country, expressing confidence that a fully responsible Legislature would not shirk the duty of supporting the Executive during a period of unrest or in a crisis. Sir P. C. Mitter indeed went further and declared that in existing circumstances, the Executive would be more prone to laxity than the Ministers as it could not feel assured of the support of the majority in the Legislature. This view has received further confirmation from the evidence of the Honourable Sir John Maynard, a member of the Executive Council in the Punjab who said : "In one case, the Ministers were agreed together in taking a more uncompromising view of the obligation of maintaining law and order than the two Executive Councillors were prepared to take."

The Depressed Classes.

(3) We have had a considerable volume of evidence both written and oral, on the subject of the treatment of the depressed classes in the various provinces. The problem is not of the same magnitude and acuteness in all the provinces, but we are of the opinion that the records of the Legislatures are a convincing proof of the anxiety of representatives of the people to include the welfare and development of the depressed classes among the subjects demanding prominent attention. Legislation and resolutions dealing with primary education, rural credit, settlement of labour disputes, water supply, forest grievances have had as their main object the raising of the status and the promotion of the welfare of the backward communities. We desire to draw attention to an extract from a speech delivered on the 21st July 1924, by His Excellency Sir Frank Sly, Governor of the Central Provinces, in reply to an address presented to His Excellency by a Mahar deputation: "During my long service I have seen a great advance among the depressed classes, an advance to my mind greater than has been made by any other community within the same period. I have known individuals of the Mahar community rise to position of importance and wealth and I find them taking part in the trade of the country, and some of the most important contractors are Mahars. Your education is increasing rapidly, and I find a demand amongst Mahars for facilities for primary education." In the same speech His Excellency Sir Frank Sly stated: "There is no political party in India which does not recognise that the position of the depressed classes is a serious difficulty on the road towards full responsible government. The disabilities of the depressed classes are recognised by all political parties, whether extremists or moderates, and it is the desire of those political parties that this disability should be lessened and removed as soon as possible." Resolutions have been passed by several Councils removing the disabilities as regards drawing water from public wells, attending schools maintained at the public expense, etc. We would in this connection refer to the evidence given by Mr. A. N. Surve, representative of the backward communities in the Bombay Council, before the Committee.

*Q.* During the last three years special facilities have been given to them for admission into educational institutions? *A.* Yes.

*Q.* Both for the non-Brahman and for the backward classes? *A.* Also for Muhammadans.

*Q.* But not for the advanced classes? *A.* No.

They do have whatever they enjoyed before.

Mr. Surve also stated regarding the education of the Mahars, the Chamars and Bhangis who form various sub-sections of the depressed classes: "As far as their education is concerned, since

the reformed Councils we have made some progress. The Government has issued a circular that if any school does not admit a student belonging to the depressed classes, that fact will be taken as sufficient ground to take off the grant. Similarly, a resolution was passed in the Bombay Legislative Council whereby the wells and springs are thrown open simply as a matter of a resolution to the depressed classes. That resolution applies only to those wells and springs which are maintained at the expense of the Government or local bodies.

*Q.* You said that the Government has issued a circular removing some of these disabilities? *A.* Yes.

*Q.* Which part of the Government? The reserved half or the transferred half? *A.* I should think the transferred half. My friend Mr. Paranjpye was instrumental in doing that.

Mr. Surve also expressed his satisfaction at the progress made by the backward communities in regard to education and mentioned the fact that several measures had been adopted by the Bombay Council on the subject.

We also quote below the evidence of Sir P. C. Mitter on the subject

Sir P. C. Mitter's view.

*Q.* Who are the depressed classes in Bengal, what is their position and what are their difficulties? *A.* The so-called lower classes—mochis, chandals, haris, doms, etc.

*Q.* What are their disabilities? Are they allowed to draw water out of a common well? *A.* In most places—not in all places. There is no acute problem in Bengal so far as the depressed classes are concerned.

*Q.* What about Namasudras? *A.* In some places they are not allowed in School hostels. Certain cases came up to me. I ordered they must be allowed and I never heard anything after that.

*Q.* But were your orders carried out? *A.* Absolutely, higher classes don't object, most of them have no strong feeling.

*Q.* Will you please tell the Committee what is exactly the extent of the problem there? *A.* Very little—nothing serious.

(*Mr. Chairman*). *Q.* Is not it the case that the depressed classes generally live in their own villages—they don't live in mixed villages? *A.* Oh no, they always live in mixed villages. There are a number of them opposite my family dwelling house in my village.

(*Mr. Chairman*). *Q.* Yes, but I think the Bengal village is a very different thing from the village up-country—the houses are much more separated—is not that so? Everyone has his own little plot and the villages are spread over much more ground? *A.* Yes.

(*Mr. Chairman*). *Q.* And the water question is very simple? *A.* All castes take their water from the tanks. Nobody objects to that, whatever his caste may be.

*Q.* Then what are exactly the social and religious disabilities under which a member of the depressed classes finds himself in Bengal? *A.* It is more a creation of some ambitious men. There is no very serious disability.

*Q.* Now supposing there was to be provincial autonomy in your province, do you, with your knowledge of Bengal, think that the position of the depressed classes under responsible government would be worse than it has been in the past, or will it be better than it has been in the past, or will it be about the same? *A.* It will certainly be very much better. I don't think the depressed classes have had any such attention from the Government in the past as during the last three years in Bengal.

United Provinces Liberal Association's View.

With regard to the position of the depressed classes in the United Provinces Pandit Gokaran Nath Misra and Pandit Hirdaya Nath Kunzru said in the course of examination :—

*Q.* With regard to the untouchables in your province, what is the attitude of the educated classes towards them? Is that one of sympathy and desire to uplift, or is that one of antogonism or indifference? *A.* It is one of sympathy and growing sympathy. Besides the problem has neither been acute—so acute in the United Provinces as for instance in Madras or Bombay.

*Q.* In your experience is there any instance of any action in the Legislature, administrative or legislative against the interests of the untouchable classes? *A.* We have taken no action against the interests of the untouchables.

*Q.* Apart from such negative conduct has there been any attempt on the part of the Legislative Council to do anything for uplift—for the education or other uplift of the untouchables? *A.* I am not sure of the sum voted this year. But the Legislative Council every year used to set apart a certain sum for the education of the depressed classes. In the District Boards Bill we introduced a provision compelling the Government to nominate one member of the depressed classes to a district board where the depressed classes have not been able to get themselves elected to that Board. Thirdly, perhaps that does not come within the action taken by the Legislature. I was going to say that there was a member of the depressed classes in our Council and we approached him just in the same way as we approached every other member of the Council.

*Q.* So far as you know, has more been done during the post-reform period or during the pre-reform period for the uplift of the

depressed classes by the Council and the Government? *A*. I think as the sympathy is growing, naturally a time comes when more and more measures are taken for the uplift of the depressed classes.

*Q*. Has Government done more for the depressed classes since the reforms or before the reforms? *A*. I can think of no measure passed before the reforms with special reference to the depressed classes.

*Mr. Misra* : May I add a little at this stage? With regard to the attitude not only of the educated people but of the uneducated people in the United Provinces towards the depressed classes, I must say that their attitude has never been a hostile one. Even with regard to the temples which are situated in Ajodhya, Benares and Muttra, where I have personally been a number of times on religious visits, I have never found any people of the depressed classes being excluded from visiting those temples. They have gone along with the rest of the *Mela* as it is called, or with the rest of the crowd. With regard to the educated people, their attitude has been always one of growing sympathy.

It is recognised by close observers of Indian life that the movement for the amelioration of the conditions of the depressed classes is spreading with remarkable rapidity and the existence of special organizations for this purpose maintained and conducted for the most part by members of the higher classes coupled with the efforts of the Legislatures in the same direction afford in abundant degree indications of the awakening of the social conscience. We do not say or even intend to suggest that the problem does not exist nor do we desire to minimise its magnitude. At the same time we think that it is not fair to exaggerate it or present it as if nothing was being done to solve the problem. The problem of the depressed classes has existed for much a longer period than the history of the Reforms. The awakening of the social conscience to which we have referred above and the active measures taken for the amelioration of their position both inside the Councils by the representatives of the people and outside warrant us in our firm belief that the problem can only be effectively solved under a system of responsible government.

The Development of Parties.

(4) Much insistence has been laid by some of the local Governments on the nebulous nature of the party system in India and on the essential connection between a development of parties based on political principles and the growth of responsible government in this country. Development, we have been told, has tended to be more on communal than on political lines, especially in Madras, Bengal and the Punjab. We shall briefly refer to the evidence on this point. The Hon'ble Sir John Maynard informed the Committee that divisions in the Punjab were now beginning to be on

" wholesome and natural lines " into urban and rural interests. A similar inference may be drawn from the view of the United Provinces Government that Liberals and Progressives lent their support to the Ministers while the reserved half of the Government could rely on the support of the landlords and Muslims. We observe that in Madras the local Government state that there have been several secessions from the non-Brahmin party and the division is now approximating to one of Progressive from ultra-Radicals. We are also informed that a united Nationalist party has recently been formed in the Madras Council with an influential following and that this party contains several men of the old Ministerial party as well as Swarajists and Independents many of whom are Brahmins. The explanation has been offered by several witnesses that the obstacle in the growth of political parties in this country is almost entirely due to the fact that the dominating aim of all the groups is the same, namely, the attainment of responsible government. This view has been echoed in the letters of the Madras and United Provinces Governments, and it is one with which we find ourselves in entire agreement. There can be no doubt that commonness of aim obliterates to a large extent differences in method except when they tend to be on questions of principle and not of procedure or details. Besides most of the *ex*-Ministers whom we have examined have pointed out the insuperable difficulty of consolidating their positions in relation to the non-official members of the Council on account of the division of subjects into reserved and transferred. This difficulty was brought into relief from the very commencement of the Reforms by the practice followed by Governors, except perhaps, in Madras, of choosing their Ministers as individuals from the Legislative Councils without particular regard to the consideration of a common policy and by their failure to observe the principle of collective responsibility.

The atmosphere.

(5) In judging of the work of the Legislatures we think regard must be had to the atmosphere which has prevailed since 1920. The Government of India Act came into force at a time when the deepest feelings had been stirred in the country by events which took place in the Punjab in 1919. The Non-co-operation and the Khilafat Movements were in full swing and a considerable section of the people who otherwise might have sought election abstained from participation. The first Councils and the Assembly were mainly composed of the Liberals, Landlords, Independents, or politicians like the non-Brahmins in Madras who did not belong either to the Non-co-operation or the Moderate party. We are aware that in certain quarters it has been urged that the abstention of a considerable section of people such as the Non-co-operators does not

enable us to judge adequately of the working of the Reforms. It must be borne in mind that at the time we are speaking of the Swaraj party had not come into existence and its present members belonged to the Non-co-operation school the policy of which was to boycott the Councils. It was in such an atmosphere that certain classes of people decided to enter the Councils to work the Reforms. In their attempt to do so they incurred considerable odium and hostility on the part of large sections of those of their own countrymen who had joined the Non-co-operation Movement, they suffered in their popularity and influence; but they decided to give and did give the Reforms their best support. Inside the Councils it is but fair to admit that the atmosphere which generally prevailed was one of friendliness and helpfulness to the Government and the non-official members evinced a keen desire to work the Reforms in a spirit of reasonableness. We do not agree with the criticism that the Reforms were not given a fair trial. We do not see how the Reforms could have been worked in a better spirit at their inception if instead of the men who offered to take advantage of them, others who were frankly opposed had entered the Councils. Actually the very abstention of the latter was helpful, and we venture to think that if they had entered the Councils with the opinions they held at the time, the Reforms would have broken down at a very early stage. We do not wish to overlook the fact that the atmosphere which prevailed outside the Councils was one of hostility to the Government; but we do not think that such outside atmosphere prejudiced the working of the Reforms inside the Councils. At the last election the supporters of the Reforms were to a great extent defeated and the Swarajists entered the Councils in considerable numbers. The experience of the last 12 months of the work of the Councils, particularly in the Central Provinces and Bengal has brought out prominently the difficulties of working the present Constitution.

## CHAPTER VI.

### DEFECTS OF DYARCHY.

The complaints brought forward against the present system of government in the provinces may be enumerated as follows :—

(1) the impinging of the administration of reserved upon that of transferred subjects and *vice versa;*

(2) the absence of joint responsibility of the Ministers;

(3) the absence of joint deliberation between the two halves of the Government;

(4) the attitude of the permanent officials towards the Reforms, their relations with the Ministers and their general position in the new Constitution;

(5) the difficulties in the way of Ministers arising out of the overriding powers of the Governors under the Act;

(6) the control of the Government of India and the Secretary of State;

(7) (*a*) the measure of control exercised by the Finance Department;

(*b*) the fact that under the rules the Finance Department is in charge of a member of the Executive Council who is also in charge of the spending departments;

(*c*) the disqualification of the Ministers to hold the portfolio of finance by reason of the Devolution Rules.

We propose to deal with them *seriatim*. (1) Government being a single unit, experience shows that it is impossible to divide its functions into water-tight compartments. Indeed from a constitutional point of view a division of the functions of government is scarcely practicable. But the real difficulties of the division effected by dyarchy which, in the words of the Governor in Council of the United Provinces, is "a cumbrous, complex and confused system, having no logical basis" appear most clearly when the system is examined from an administrative point of view. In their despatch of 11th November 1918, the Government of Bombay observed as follows :—

The impinging of administration of reserved upon transferred subjects and *vice versa.*

"A reference to the records of Government will show that there is scarcely a question of importance which comes up for discussion and settlement in any one of the Departments of Government which does not require

> to be weighed carefully in the light of considerations which form the province of another Department of Government. The primary duty of the Government as a whole is to preserve peace and order, to protect the weak against the strong, and to see that in the disposal of all questions coming before them the conflicting interests of the many different classes affected receive due attention. And it follows from this that practically all proposals of importance put forward by the Minister in charge of any of the departments suggested for transfer will involve a reference to the authorities in charge of the reserved departments. There are few, if any, subjects on which they (the functions of the portions of the Government) do not overlap. Consequently the theory that, in the case of a transferred subject in charge of a Minister, it will be possible to dispense with references to Departments of Government concerned with the control of reserved subjects is largely without foundation ".

We do not think that the anticipations of the Bombay Government were by any means extravagant and from the evidence before us we are satisfied that those anticipations have proved remarkably true in actual administration. In this connection we would refer to what Mr. Chintamani has said in his memorandum: "In the light of my experience I must endorse every word of the above passage. The observations of the Government of Bombay on the question of financial control leading up to the conclusion that Ministers alone cannot be responsible to the Legislature because of the very real control that the Finance Department must exercise over all the expenditure up to the time when it is made have been demonstrated to be not a whit less true ". It is by no means difficult to conceive that the points of view of popular Ministers and the members of the Executive Council who owe no responsibility to the Legislature and at least half of whom are brought up in official traditions from the start of their career should not infrequently vary and lead to unsatisfactory results. We regard this feature as one of the inherent defects of dyarchy.

Joint Responsibility.

(2) The next defect which we desire to notice is one that was very much pressed on our attention during our investigation. It was pointed out to us by a majority of the *ex*-Ministers whom we examined that the Ministers were dealt with by their Governors individually and not collectively. In other words, the point raised was that there were Ministers but no Ministries. The evidence of Mr. Chitnavis and Rao Bahadur Kelkar of the Central Provinces, of Lala Harkishen-

Lal of the Punjab, and of Sir P. C. Mitter of Bengal shows that not only did the Governors act with their Ministers separately but the latter, in some provinces at any rate, themselves did not observe the convention of joint responsibility. On the other hand, the evidence of Mr. Chintamani shows that the late Ministers in the United Provinces prescribed for themselves a different course of conduct consistent with the true constitutional position. Dealing with the question of the relations of the Governor and the Ministers, Mr. Chintamani describes in detail the practice followed in the United Provinces at the commencement of the new era and the variations of that practice later on. The Governor in Council of the United Provinces, in his letter, dated 3rd July, 1924, however, takes the view that "even in England the joint responsibility of the Cabinet does not extend to all the acts of all the Ministers composing it; and in India, where the Ministers are not always drawn from a single well-organized party, the ties between them cannot be as close as they are in England. But it rests in the main with Ministers themselves to determine how far joint responsibility is to be carried. Pandit Jagat Narain, the late Minister for local self-Government carried it to the point of resigning over a question with which he had no concern, but to insist that the resignation of one Minister must always entail that of his colleague or colleagues might often, in the conditions at present obtaining, make it impossible to form a Ministry." We recognise that sometimes a Governor may find it difficult to form a homogeneous Ministry, but in our opinion there should be no insuperable difficulty for a Governor to appoint, from different groups, Ministers who would agree to work upon a footing of joint responsibility. On this question the Joint Select Committee in their second Report observed as follows:—"The Committee think it important that when the decision is left to the Ministerial portion of the Government the corporate responsibility of Ministers should not be obscured. They do not intend to imply that, in their opinion, in every case in which an order is passed in a transferred department the order should receive the approval of all the Ministers; such a procedure would obviously militate against the expeditious disposal of business and against the accepted canons of departmental responsibility. But in cases which are of sufficient importance to have called for discussion by the whole Government, they are clearly of opinion that the final decision should be that of one or the other portion of the Government as a whole."

United Provinces Government's views.

We shall now briefly review the opinions of some of the local Governments. The Governor in Council of the Central provinces in his letter, dated 7th July 1924, takes the view that at the present stage

Central Provinc Government's views.

of development of those provinces, the joint responsibility of the Ministers would mean the absolute rule of the majority party in the Council in the transferred departments. The Governor would prefer to let the convention come into being by a natural process of growth as the result of the development of party organisation. We shall deal with the question of party organisation hereafter.

Madras Ministers' views.

We may call attention to paragraph 22 of the letter of the Government of Madras, dated 28th July, 1924. The Madras Ministers also have in their minute adverted to this question. The Honourable the Raja of Panagal, in his minute, dated 16th July 1924, observes: "Each Minister has to deal with a Governor individually. There is no joint ministerial responsibility." The Honourable Sir A. P. Patro in his minute, dated 12th June 1924 observes: "The difficulty created by section 52 is to place the Ministers completely under the power of the Governor. There is no room for development of joint and corporate responsibility under the circumstances. The Act ought to provide for the independence of the Ministers and the Governor acting with the Ministers should decide any question by a majority."

Madras Government's view.

Dealing with these criticisms of the Ministers, the Governor in Council observes: "The provisions of sub-section 3 of Section 52 contain nothing inconsistent with the development desired; the Governor, it is there said, is to be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion. It is rather the wording of the Instrument of Instructions and of various passages in the Devolution Rules which seem to contemplate that the Governor is to act with a Minister and not with his Ministers. In so far as these documents contain provisions practically inconsistent with or detracting from the conception of joint responsibility of Ministers, there may be a case for their modification. So far as this Presidency is concerned, the difficulty is more theoretical than practical. The Cabinet system to which reference has been made has tended to foster joint responsibility among Ministers involving, as it has done, the attempt to administer affairs as a joint Government. In other provinces, it is believed Ministers were not usually chosen as representing a particular party, and it is doubtful if they could be chosen now. Instead of altering the Act as the Ministers appear to contemplate, it would probably be sufficient to modify the Instrument of Instructions and the Devolution Rules, and to trust to the growth of a convention such as tends to be established in Madras.

Thus the difficulty has mainly arisen by reason of the wording of the Instrument of Instructions, but we desire to point out that party

system is already beginning to grow and we anticipate that with the march of events, it will become stronger and more defined at no distant date. But we think that it is undesirable that the growth of joint responsibility should be allowed to depend upon the personal equation of the Governor or the Ministers. In our opinion, the statute itself should be so amended as to secure the joint responsibility of the Ministers.

Amendment of the Act required.

We now pass to the third complaint which seems to us to be one of vital importance, having regard to the mixed character of the Executive Government. The Act itself makes no provision for joint deliberation between the two sections of the Government. The Joint Select Committee, however, laid considerable stress on the desirability of fostering a habit of joint deliberation in regard to a large category of business of the character which would naturally be the subject of Cabinet consultation. The Committee were distinctly of the opinion that joint deliberation between members of the Executive Council and the Ministers sitting under the chairmanship of the Governor should be carefully fostered. The Committee attached the highest importance to the principle that when once opinion has been freely exchanged and the last word had been said, there should be then no doubt whatever as to where the responsibility for the decision lay. Therefore, in the opinion of the Committee, after such consultation, when it was clear that the decision should lie within the jurisdiction of the one or the other half of the Government, that decision in respect of a reserved subject should be recorded separately by the Executive Council and in respect of a transferred subject by the Ministers, and all acts and proceedings of the Government should state in definite terms on whom the responsibility for the decision rested. The Committee visualised to themselves the Governor acting as an informal arbitrator between the two halves of the Government. They considered that it would be the duty of the Governor to see that a decision arrived at on one side of his Government was followed by such consequential action on the other side as might be necessary to make the policy effective and homogeneous. Lastly, they laid down that in the debates of the Legislative Council members of the Executive Council should act together and Ministers should act together, but should not oppose each other by speech or vote. Members of the Executive Council should not be required to support, either by speech or vote, proposals of Ministers of which they did not approve; they should be free to speak and vote for each other's proposals when they were in agreement with them. Mr. Montagu, in his speech of 5th June, 1919, on the motion for the second reading of

Joint deliberation.

Joint Select Committee's recommendation.

the Government of India Bill in Parliament, put the position more briefly as follows :—" If reserved subjects are to become transferred subjects one day, it is absolutely essential that during the transitional period, although there is no direct responsibility for them, there should be opportunities of influence and consultation. Therefore, although it seems necessary to separate the responsibility there ought to be every room that you can possibly have for consultation and joint deliberation on the same policy, and for acting together for the purposes of consultation and deliberation, as the bill provides, in one Government." We have taken the liberty of quoting these passages at length because the question of joint deliberations has attracted much public notice and some of the Governors in Council have also referred to it in their letters to the Government of India. Our attention has also been drawn by some witnesses to the varying practice in the provinces. In Bengal, we gather from the letter of the Governor in Council, dated the 21st July, 1924, that the two halves of the Government worked in unison and that the system of dyarchy was not literally adhered to.

Mr. Montagu's view.

The Governor in Council of the Central Provinces in his letter dated the 7th July 1924, stated that in his province every effort had been made to carry on the Government in the spirit of the recommendations of the Joint Select Committee. But to secure uniformity the Governor in Council considered it desirable to include in the rules of business made under section 49 (2) of the Act a rule requiring joint deliberation between both halves of the Government on all questions of important policy. From the letter of the United Provinces Government, we gather that since His Excellency the present Governor assumed office, there has in fact been joint deliberation on all matters in which both sides of the Government were concerned. Mr. Chintamani has in his memorandum given his impression of the joint working of the two halves of the Government. According to him, the practice was followed for the major part of the first year, but in the second year of his office joint meetings of the whole Government became less, and in the third, still less, frequent. The system had worked well, it would appear, just in the measure in which dyarchy was departed from, while misunderstandings, differences and friction became only too frequent after dyarchy came to be a fixed idea in the Governor's mind. In the beginning, according to him, " there were weekly meetings of the whole Government; such meetings gradually became less frequent until at times we had not more than one in the month, or even one in a couple of months or more." We also find from the evidence that at least on one occasion one member of the Executive Council spoke openly at a meeting of the Legislative

Varying practice of the Local Governments.

Council against the policy of the Ministers. We understand that in Bombay joint meetings were held from June 1921 onwards, but files of papers relating to business on the reserved side do not appear to have been, as a rule, circulated to the Ministers who were consequently unable to give any considered opinion on it. They therefore abstained, as we are informed by one of our colleagues, Dr. Paranjpye, from taking any prominent part in the discussion. In Madras, we gather from the letter of the Governor in Council that "joint consultation between the two parts of the Government has from the first been laid down as essential and has not been without the advantage of increasing the influence of Ministers in the councils of the Government and in extending that influence over the whole range of Government activities. It has also resulted, as the Ministers themselves would probably admit, in giving them the advantage of the steadying influence of the wider administrative experience enjoyed by their colleagues of the reserved half, and His Excellency the Governor in Council regards it as one of the most encouraging symptoms that Ministers have been ready to weigh well the advice thus given them, as well as that of the secretaries and head of departments under them." Dealing with this matter, Sir K. V. Reddi, an *ex*-Minister in Madras, says: "It must not, however, be forgotten that it was not the dyarchic system as conceived in the Act but an attempt to ignore it and get over its inherent difficulties that made it possible to achieve the little success which Madras is believed to have achieved."

Conclusions.

To sum up; the conclusions which we have arrived at on this point are (1) that the system of joint deliberation between the two halves of the Government in the spirit of the recommendations of the Joint Select Committee has been followed only in Madras and Bengal; (2) that in other provinces it has either not been followed at all or, if followed, it has not been followed consistently or to the extent and in the manner contemplated by the Joint Select Committee or laid down in the Instrument of Instructions; (3) that in some provinces at any rate Ministers have not been satisfied with the manner in which it has been followed. Much as we appreciate the wisdom of the recommendations of the Joint Select Committee and of the observations of Mr. Montagu, which we have quoted above, we feel that in the best of circumstances the habit of joint deliberation between the two halves of Government, good as it may be so far as it goes, cannot, without the element of common responsibility, lead to efficiency in the administration nor always to harmonious relationship between members of the Executive Council and the Ministers. Indeed it seems to us that at times it is apt to weaken the position of the Ministers *vis a vis* the Legislative Councils and the electorates in relation to reserved subjects, more particularly when there is occasion for difference of opinion in regard to

questions of policy between the Legislature and the Executive. We are anxious to safeguard ourselves against conveying the impression that given dyarchy to work, we do not appreciate the value of joint deliberation between the two halves of the Government, but we maintain that it is an inherent defect of the present Constitution that the Government should be divided into two halves.

Dyarchy an inherent defect in the constitution.

We turn, now, to the question of the relation between the reformed Government and the public services. Some of the Governors in Council have referred to it either in their reports of 1923 or in their letters of 1924. The question has been approached from various points of view. The Governor in Council in Madras in paragraph 27 of his letter of the 16th July, 1923, says that "it is undoubted fact that there has been and still is an appreciable amount of discontent and a considerable feeling of insecurity among these services, both as to the terms of their pay and pension and as to their general prospects. The feeling is partly due to the fact that in translating the spirit of the Reforms into practical action a considerable number of posts hitherto reserved or believed to be reserved have been thrown open recently and more are likely to be thrown open in the future to Indians, as has already been done, to take typical instances, in the Educational and Agricultural services, while others have been abolished or threatened with abolition. A second cause is uncertainty as to how the Constitution of India under the Reforms will develop in the future. A third arises out of the economic conditions which are a legacy of the War." We note, however, with satisfaction that in the next paragraph he says that "the relations between the Ministry and the heads of departments under their control have generally been cordial; and the local Legislative Council, though naturally sympathetic towards Indian aspirations, has not been unreasonable in its attitude towards the British services. Individual members of the services have undoubtedly found it difficult to serve under the altered conditions; but the great majority have accepted the change in a most loyal spirit and have done their best to make the Reforms a success."

The Public Services.

Views of Local Governments.

The report of the Governor in Council in Bihar and Orissa, dated the 14th August, 1923, after pointing out that though the present intermediary stage between bureaucratic supremacy and popular control creates difficulties, there has been no want of loyal co-operation on the part of the Ministers, observes that "members of the services feel that their tenure is extremely insecure and that any chance of securing suitable employment elsewhere is worth accepting." The Governor in Council in the United Provinces in his letter dated the 3rd July, 1924, makes

the following observation: "More than one resolution has been passed which, if carried out, would have deprived them of appointments to fill which they had been recruited. It is not suggested that the Legislative Council has deliberately sought to inflict injustice on European officers. The constitution of the all-India services is not well understood and many members of the Legislature are influenced by the feeling (for which there is justification) that in the past Indians have not received their fair share of the higher appointments. The natural effect, however, of the attitude of the Legislature has been to create in the minds of Englishmen serving in India an impression of hostility and a feeling of insecurity which makes it difficult for them to give of their best. There are distinct signs that the services are losing their former keenness. Since they no longer have the power of shaping policy to the extent to which they had, they no longer feel that the progress of the country depends upon their efforts, nor indeed that any efforts of theirs are likely to have abiding results. Enthusiasm and energy have also been sapped by financial pressure, and by the cloud of uncertainty which hangs over the future of the country to which they have given their lives."

In paragraph 10 of Annexure A to the letter of the Central Provinces Government, dated the 7th July, 1924, reference is made to the services' distrust of their own future, to the unfriendly attitude of the local Legislative Council in the beginning, and to the keen desire of the non-official members of the Council for the Indianisation of the services and the resentment of the fact that they are not subject to their control. "During the last year of its life, the feeling of the Legislative Council," so ends the paragraph, "became less unfriendly to the European services and the services had more confidence in the support of the Home Government and Parliament, with the result that the feeling of distrust became perhaps less pronounced." We have given these extracts with a view to show the nature of the complaints of the services and the view taken of their position in relation to the Reforms by the various Governors in Council. How far the present position will be affected by any decisions that may be taken on the recommendations of the Royal Commission on the Superior Civil Services presided over by Viscount Lee we do not feel called upon to discuss.

Anomalous position of the Services.

While it is possible to understand the feeling that the services have no longer the power of shaping policy to the extent that they had or their feeling that the progress of the country no longer depends upon their efforts, or that any efforts of theirs are not likely to have abiding results, it may as well be pointed out here that this is the inevitable consequence of the transference of power, limited as it is, to local Legislatures; and indeed it constituted the raison *d'être* of the Reforms. The Imperial services in the

past have been mainly responsible for the shaping of policy in India and the combination of political and administrative functions in the services is to our mind mainly responsible for the frequency and strength of the criticism to which they have been exposed in the past. The immunity which public services in England or the Dominions enjoy from hostile or unfriendly criticism cannot, we are afraid, be secured for the services in this country in any large measure unless, among other things, the relations of the services to the Legislatures are brought into closer approximation with those prevailing in England or the Dominions. When it is recognised by the public that the services are mere instruments for the execution of the policy of the Government and that they have no political functions to discharge, we think they will cease to be the targets of that criticism which is pointed out as an undesirable feature of the present political conditions in India; for when that stage is reached, it will be the responsible Ministers and not the services who will have to bear the brunt of public criticism. As matters stand at present, the control of the services or their recruitment does not rest with the local Governments or with the Government of India. It seems to us, therefore, that in the best of circumstances the present position is apt to give rise at times to friction and a feeling of mutual distrust which cannot be conducive to efficient and good administration.

Friction inevitable in present conditions.

In the course of the evidence that we have recorded, some allegations have been made suggesting or implying want of co-operation on the part of the services with the Ministers. We have carefully considered in this connection the evidence of the *ex*-Ministers who appeared before us. Some of them, such as Sir P. C. Mitter, referred emphatically to the support and loyal co-operation which they always received from the permanent officials. He, however, stated that his relations with some of the members of the Indian Educational Service were not happy. Mr. Kelkar's evidence does not warrant us in coming to the conclusion that there was any want of loyalty on the part of the officers attached to his departments, though there might have been some occasions on which he and the heads of departments and secretaries might have on matters of opinion come into conflict. Mr. Harkishen Lal's evidence too does not justify us in arriving at any decision adverse to the loyalty of the services. Mr. Chintamani's evidence shows that there were many officers whose attitude towards the Ministers was correct, and some were cordial and helpful. In his oral evidence he stated that the relations between him and his officers were quite good in the beginning, though not so good with some of them throughout. He however never questioned the honesty of those officers who differed from him. Sir Chimanlal Setalvad who was a member of the

Executive Council, Bombay, admitted that he received the greatest assistance from the services, though he pointed out that on certain occasions there was owing to their lack of control over the services embarrassment caused to the Ministers. Our own conclusion upon a review of the evidence is that generally speaking the attitude of members of the services was one of loyal co-operation, though in a few exceptional cases it might not have been so. At the same time, we are bound to point out that our analysis of the situation leads us to think that two important factors have operated to affect the relations of the Services to the Ministers. The first is the natural difference between the points of view of Members of the permanent Services and the Ministers in regard to questions of policy, inasmuch as they represent different schools of thought, one bureaucratic and the other popular. The second factor is that under the present Constitution the Ministers feel that the Services can look to higher powers for the enforcement of their views in cases of differences which tends to undermine the Ministers' authority.

Anomalous position of the services.

We venture to think that under the present system, the entire constitution, the methods of recruitment and control of the services are incompatible with the situation created by the Reforms and the possibility of their further developments. The present organisation of the services came into existence when admittedly the centre of political gravity was outside India and when the services took a leading part in the shaping of policy. Those conditions have appreciably changed and will change still further, and it is but natural that there should be dissatisfaction among the services with their position and also among the Legislatures with the restraints and limitations imposed on their powers in relation to the services. We think that the question of the services is inseparably connected with the question of constitutional development in India and we are of the opinion that the relation of the services to the Legislatures cannot be put on a satisfactory and enduring basis by a mere amendment of the rules or even by the delegation of certain powers under section 96B. We desire to repeat what we have already stated, that the position of the permanent services in India should be placed on the same basis as in England; we fully realise the imperative necessity of safeguarding the interests of the services. Whether this can be achieved by the passing of an Act by the Imperial Parliament or by the Indian Legislature or by the incorporation of special provisions for the protection of the rights and interests of the services in the future Constitution of India, are questions on which we recognize there may be differences of opinion. Whichever method is adopted, we are persuaded that the question calls for an effective and early solution.

We are aware of the provisions of the Government of India Act relating to the appointment of a Public Services Commission. We recognize the value of such Commissions in the Dominions, and while we think that the appointment of such a Commission in India should lead to the solution of many difficulties which have arisen in connection with the services, we feel that without a proper definition of the relations of the services to the Legislatures in the light of the new conditions introduced by the Reforms, it will not be easy to secure a smooth and harmonious working of the Constitution.

Public Services Commission.

While we accept the principle underlying the appointment of such a Commission, we desire to point out that the Commission contemplated by the statute is one owing its appointment to, and deriving its authority from, the Secretary of State in Council, and we cannot see how such a Commission can be appointed by any other authority so long as the section referred to above stands in the Act. We are, however, of the opinion that the statutory power of appointing such a Commission should be vested in the Governor General in Council, but this as pointed out above is obviously impossible without an amendment of the Act itself. Similarly, section 96B(2) gives the Secretary of State in Council power to make rules for regulating the classification of the Civil Services in India, the methods of their recruitment, their conditions of service, pay and allowances, discipline and conduct. It also provides for the delegation of the power of making rules to the Government of India or to the local Governments to such extent and in respect of such matters as may be prescribed and the authorisation of the Indian Legislature or the local Legislatures to make laws regulating the public services. To the best of our knowledge such delegation in respect of the services has not yet taken place. But we understand that it is proposed to provincialise such of the services as may be directly employed in the administration of the transferred subjects. Without expressing any opinion on the likely effects of the contemplated change we would point out the anomaly of placing the services or any portion of them under the protection or control of any other authority except the Government of India. We are aware of the strong feeling entertained on the subject by the services themselves. We recognise the great importance of keeping them well contented and beyond the reach of the fluctuations of political opinion or influence incidental to a system of democratic government. But we feel that their position can be secured and the causes of their discontent removed by proper legislation on the subject. We apprehend that proper relations between the Legislatures and the services cannot be established so long as the former feel that they have no power of dealing with them in respect of the matters

mentioned in section 96 B(2), and so long as the latter feel that they can look up to a higher authority outside India in respect of those matters. In our opinion, for the proper cultivation of a due sense of responsibility on either side the basis of their relation should be changed, and we would welcome any legislative enactment which secured the object referred to above. It is, however, obvious that our views cannot be given effect to by the exercise of any rule-making power.

The Finance Department.

As regards the general position of the Finance Department in the Provinces, we observe that it occupies a peculiar position in the dyarchical system of Government, and according to the written or oral evidence of several *ex*-Ministers, it has demonstrated the difficulties and defects of the system more than almost any other of its many anomalies and imperfections. In the first place, it has not in fact been a department common to the whole and independent of either half of the Government, but has been made a reserved department by the Devolution Rules (Rule 36). Ministers are ineligible for the office of Finance Member, who is the head of the Department. The Finance Member must be a member of the Executive Council. There is no force in the argument put forward in defence of this rule, that trained men are required to fill the office, for not all of the officers who have held or now hold it in the provinces had previous experience of the working of the Finance Department, while the Indian member of the Executive Council of Bihar and Orissa who is in charge of Finance has not proved to be less competent than the service members in the other provinces. But had he been an elected member of the Legislative Council and a Minister responsible to it, he would have been ineligible for the position. We think this bar should be removed even under the present system.

A Joint Secretary for Transferred Departments.

The provision of the appointment of a Joint Secretary to look after the transferred departments does not solve the difficulty of the earlier part of the rule from the point of view of the Ministers. If advantage had been taken of it by Ministers, it would only have produced, very likely, administrative difficulties and friction and we are not surprised, therefore, that in no single province has it been utilised.

Functions of the Finance Department.

It has been stated that the Finance Department can only give advice on the financial aspect of administrative proposals and can do no more and that Ministers are at liberty not to accept the

advice. This we fear must be regarded as an incomplete and a theoretical description of the position and in the light of what nearly all the Ministers and *ex*-Ministers whose opinions have been furnished to us have said, we cannot accept that description as being wholly in accord with actual facts. The evidence of the Ministers and officers of the Finance Department has made it clear that the Finance Department in examining proposals of the other departments not only considers the financial point of view but also considers the policy of the proposals and this procedure has been sought to be justified on the analogy of the Finance Departments in other countries whose control is said to be even more stringent than that exercised by Finance Departments in India. But the two cases are not on all fours, for in those countries the Government is unitary and the policy to be criticised is that accepted by the whole Government of which the Finance Department forms a part. But in the provinces under Dyarchy the policy of the Transferred Departments is the policy of the members who are responsible to the legislatures, and the examination of the policy of the Transferred Departments by the Finance Department is therefore open to grave objection.

As regards the liberty enjoyed by Ministers to reject the advice of the Finance Department, it must be pointed out that their only remedy then is to appeal to the Governor against the department. We fear that it is not correct to say that it is the department which has to lay such appeal. Where there is a divergence of opinion, all that remains for the Finance Department to do is not to release the needed funds, unless and until the Minister concerned has produced before it the sanction of superior authority, namely, the Governor.

Finance Member.

One general complaint against the provision of a very serious character has been made that the Finance Member is also in charge of some spending departments and that naturally enough there is an unconscious desire on his part to promote the interests of those departments at the expense of other, and particularly of the nation-building departments under the control of the Ministers with the result that in many provinces Ministers have felt that their departments have been starved. To this proneness of the Finance Department several of the *ex*-Ministers have referred in the course of their examination; but this suggestion has been repudiated by some of the Governors in Council. Our examination of the reports of some of the local Governments which give the figures shows that the division of

expenditure between the reserved and transferred halves has been as follows :—

| | Reserved. | Transferred. |
|---|---|---|
| Madras— | | |
| 1921 . . | 68 per cent. | 32 per cent. |
| 1922 . . | 67 per cent. | 33 per cent. |
| 1923 . . | 66 per cent. | 34 per cent. |
| Bengal— | | |
| 1921 . . | 70 per cent. | 30 per cent. |
| 1922 . . | 66 per cent. | 34 per cent. |
| 1923 . . | 66 per cent. | 34 per cent. |
| Assam— | | |
| 1921 . . | 78 per cent. | 22 per cent. |
| 1922 . . | 74 per cent. | 26 per cent. |
| 1923 . . | 75 per cent. | 25 per cent. |
| Bihar and Orissa— | | |
| 1921 . . | 30 per cent. recurring | 70 per cent. |
| 1922 . . | 30 per cent. non-recurring | 70 per cent. |
| 1923 . . | 26 per cent. recurring—non-recurring | 74 per cent. |

It has been admitted by Sir Frederic Gauntlett that it is unsatisfactory that the Finance Member should have charge of any administrative departments. Assuming that what has been called "the costly remedy" of appointing a member of Government to be exclusively in charge of finance is adopted, we are still doubtful that it will be a real and full remedy. It was, however, pointed out to us that it would not be, because the Finance Member would still continue to be part of the 'Governor in Council' charged with the responsibility for the administration of the reserved and with no direct responsibility for the transferred subjects. We are impressed by the validity of this objection.

Yet another suggestion was made in the course of the examination of one of the *ex*-Ministers who came before us. It was that the Finance Member should be neither a member of the Executive Council nor a Minister. What will he be then? Will he be a Member of the Government? Will he be only an adviser? To whom will he be responsible? We mean no discourtesy if we are unable to treat this particular suggestion as being at all feasible.

There still remains one last objection. Even if satisfactory arrangements can be made to meet the criticisms which have been rightly made of the present system, we have still to consider the position of the Governor. He is the supreme appellate authority in all matters of disagreement between his two sets of colleagues In regard to differences between the two halves of the Government arising over financial matters, his position must be extremely

delicate and embarrassing. He is ultimately responsible to Parliament through the Government of India and the Secretary of State for the administration of the reserved subjects, of which finance forms a part under the rules. Therefore the tribunal to which alone the Minister can appeal is far from being satisfactory. This is a prominent feature of the present Constitution and its defective nature has been stressed by more than one Minister and *ex*-Minister.

Separate purse.

It has been suggested that the evils of the present system can be remedied by the adoption of the system of a separate purse. We do not favour this, for it is calculated to aggravate the difficulties instead of mitigating them. The question was thoroughly examined by the Joint Select Committee and, in our opinion, rightly objected. The most careful and anxious deliberation that we have been able to bestow upon this part of the subject leads us to but one conclusion. The only cure to be had is in the replacement of the dyarchical by a unitary and responsible provincial Government.

## CHAPTER VII.

### PROVINCIAL AUTONOMY AND CENTRAL GOVERNMENT.

With the exception of Messrs. Fazlul Huq and Ghuznavi, *ex*-Ministers of Bengal, nearly every non-official witness whom we have examined has pressed on us the need for provincial autonomy and of introduction of responsibility in the Central Government. Although as we have stated above, our terms of reference do not permit us to enter into any detailed examination of any scheme of provincial autonomy or responsibility in the Central Government, yet bearing in mind the importance of the subject and the vagueness of ideas regarding these questions, we think it desirable to briefly describe the ideal which we think should be kept in view. We recognise that it is impossible to dispense with the Central Government. The Central Government will perhaps be the most potent unifying factor between province and province and we think that it will be charged with the vital responsibility of securing national safety. In the present state of things the Central Government exercises control over provincial Governments of a three-fold character, namely, financial, legislative and administrative. In any scheme of provincial autonomy it seems to us to be vitally necessary that the finances of the provinces must be separated from those of the Central Government. This will necessarily entail a determination of the sources of revenue to be assigned to each of the limitation of the field for taxation for each so as to avoid conflict between the two and of the prescription of the limits within which and the conditions subject to which provincial Governments may go into the market for the purposes of borrowing. This will also involve the overhauling of the entire machinery including the system of audit and account. In recent years there has been a movement in the Central Government for establishing its special agency for the collection of central revenues, such as income-tax. Such agencies may have to be multiplied, though we do not think that it is necessarily incompatible with the system of provincial autonomy that the Central Government should requisition and pay for the services of the provincial Governments for agency work. Nor do we think that the establishment of provincial autonomy necessarily involves the establishment of federal courts. We should not be supposed to favour the creation of such courts, as we think there is no constitutional bar to the provincial courts dealing with cases arising out of matters within the domain of the Central Government.

Financial autonomy.

As regards the legislative control, it is exercised at present in two ways. There is first the ultimate power of veto exercised by the Governor General. That power is from a constitutional point of view indispensable. But

Legislative autonomy.

it is well known that not only in fully responsible constitutions but also in a constitution like ours it is very sparingly exercised. There is next the power of previous sanction which is embodied in section 80A (3) of the Government of India Act. In our opinion, the list of subjects to which it applies at present will have to be carefully revised and the area of its application substantially circumscribed. We can conceive cases arising where a provincial legislature may undertake legislation affecting laws passed by the Central Legislature or affecting interests of an extra-provincial character. To cases of this description, we think, the doctrine of previous sanction may well be applied. We do not think the doctrine of previous sanction, subject to the limitation indicated above, is necessarily inconsistent with the ideal of provincial autonomy.

Residuary Power.

As stated already, we think that the spheres of action with regard to legislation should be carefully defined. This has been done in Canada and the Commonwealth of Australia, though the points of view adopted in the two Dominions are not the same. In the former the residuary power rests with the Federal Parliament; in the latter it rests with the States. We think that in the circumstances of India it is necessary that the residuary power should be vested in the Central Government.

As regards the administrative control of Local Governments exercised by the Central Government, it arises at present mainly (1) in respect of reserved subjects, (2) the Imperial Services, and (3) inter-provincial matters. We do not wish to say much about the control in respect of the Imperial services as in our opinion the contemplated appointment of the Public Service Commission will materially affect the powers of both the Central and Local Governments, and it is difficult for us to be more precise until we have some experience of the working of that body. Nor is it necessary for us to dwell at any length on the control of the Central Government in regard to inter-provincial matters, for with a proper definition of such matters, it is obvious that the final arbitrator of disputes arising between one province and another must be the Central Government. Again, it is conceivable that at times disputes may arise between the Central Government itself and a Local Government. In such cases we should be content to leave the decision with the Central Government of the future as we conceive it to be, unless on an actual examination of a detailed scheme it is found necessary to call in aid the offices of a judicial tribunal, which method of settlement, we apprehend, has in Canada involved Governments in much litigation. The matter is, however, one on which we should not be understood to be necessarily committed to the Canadian model.

Administrative Control. Law and order.

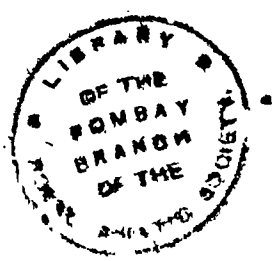
Coming now to the control of the Central Government over provincial matters which are at present reserved, the most important of them is ' law and order.' The maintenance of law and order, we recognise, sometimes makes it necessary for the civil power to invoke the aid of the military and it may be urged, as indeed it has been, that it may put too much strain on the Governor General to place the services of the military at the disposal of Ministers whose policy may lead to such necessity. Such an argument if pressed to its logical conclusion would imply a failure of primary duty on the part of the Governor General and a negation of co-operation between the Central and Local Governments involving the sacrifice of public safety and the security of the State—all the more to be regretted when it is borne in mind that India has always paid for its defence. We think that should the Minister be found ultimately to be responsible for such a situation, there would be many constitutional ways of dealing with him. In the event, therefore, of provincial autonomy being established, we think that, while the power of legislating general penal laws such as the Indian Penal Code should remain with the Central Government, the actual administration of these laws would be in the hands of the Local Governments who would ordinarily be responsible for the maintenance of law and order.

Constitution of the Central Government.

Intimately connected with the idea of Provincial autonomy is the constitution of the Central Government. The present constitution of that Government presents certain features which, in our opinion, cannot be compatible with autonomous local Governments. In the first place, the Central Government is by statute subject to the control, superintendence and direction of the Secretary of State who in his turn is responsible to Parliament. In the next place the Executive in the Central Government is irremoveable and consists partly of members drawn from the Services and partly supposed to be chosen from the ranks of public men, who are not united together by those ties of political association which characterise a responsible ministry. In the third place, in their relations to the Legislature they present certain anomalies, and the entire position is one unparalleled in any other constitution within the British Empire. The Executive are in a minority but real political power and authority rests with them. The Legislature consists of an overwhelmingly large elected majority with no doubt the power to influence the Executive Government but with no power to enforce its decisions. We do not overlook the fact that, subject to some serious limitations, the Legislature has got the power to reject the Budget, or to be precise, that portion of it which is subject to its vote. When such a contingency arises, as it did actually arise recently, the Governor

General can overcome the dead-lock by resorting to his power of certification. However logical or necessary such power may be having regard to the policy of the present constitution, it is clear that it must bring the Legislature and the Executive into serious conflict, and demonstrate that the Legislature has no real control or responsibility, and that its will is in the ultimate resort subordinated to the Governor General. Further, with Provincial Governments fully responsible to their Legislative Councils and the Central Governments irresponsible in the last resort, the control of various kinds which is desired to be continued in the Central Government will be more difficult to enforce and the centrifugal tendency observed in many Federal States and especially marked in the history of India will manifest itself more and more making a stable Government unworkable. We believe that it is mainly because of these and similar other considerations that the bulk of Indian evidence has suggested that the portion of the Central Executive dealing with civil administration should be simultaneously made responsible to the Legislature. Certain important reservations have been made by Indian Ministers, *ex*-Ministers and other non-official witnesses. They have suggested that until India is able to take over the control of her means of self-defence, the control of the army should remain with the Governor General who *qua* that subject will not be responsible to the Legislature, and that the statute itself should provide a charge on the revenues for the budget of the army (which is now not votable) to be settled for a term of years probably in consultation with experts, and that any further demand in excess of such Budget should be put to the vote of the Assembly. We understand them also to suggest that in the event of a peril to national safety the Governor General may authorise any expenditure over and above the one provided by the Statute or that refused by the Legislature. They would, however, leave the Assembly to influence the military policy and administration by resolutions moved in the House. Similarly in regard to Foreign and Political Department, we understand their position to be that they should at present remain in the hands of the Governor General which, we understand, is the existing practice, and that their Budget should also be similarly provided for. It should not be difficult to secure the representation of the Governor General in the Legislature in respect of these subjects. We do not understand these suggestions at all to mean or imply the introduction of dyarchy, for its essential features will not be found in such a system. We ourselves are generally in agreement with these views which, in our opinion, are by no means incompatible with the conception of responsible Government. It is worth noting that Lord Durham's conception of responsible Government did not include the management by the Colonial authorities of the question of military defence (Egerton's Federations and Unions in the British Empire, page 23), but as

already stated, we feel ourselves precluded from examining them in detail, and it is obvious that these views cannot be given effect to without a radical alteration of the constitution. At the same time we feel that these matters are of such great importance affecting the whole future of India and its Government that they should be carefully and thoroughly sifted and examined.



## CHAPTER VIII.

### Conditions of Political Advance.

In the course of our enquiry and discussions, we have had to give our consideration to certain important conditions of advance. They are connected with (*a*) the position of the electorates with reference to their education and capacity; (*b*) communal tension and tendencies; (*c*) the representation of the depressed and working classes; (*d*) the size and heterogeneity of the provinces; and (*e*) internal security and self-defence. We propose now to deal with these conditions *seriatim*.

(*a*) *Electorates and the public.*—Our attention was frequently drawn to the extent of interest displayed by the public, and particularly by the electorates, in the elections to, and subsequently in the activities of, the Legislatures. The number of voters who went to the polls in 1920 was a small percentage of the total, mainly owing to the political atmosphere which prevailed at the time, and ranged from 16.5 per cent. in Assam to 41 per cent. in the rural constituencies of Bihar and Orissa. Those who then preached a boycott of the Councils continued their hostility to the Reforms, and belittled, while the movement lasted, the efforts and achievements of the representatives of the people. In consequence, the task of political training, which is one of the chief obligations of members of the Legislatures, was a somewhat onerous one, and it must be confessed that in this respect the record of the members has on the whole been inadequate, though not so meagre as several local Governments seem to think. Some of them have referred in their reports to the indifference and apathy of the outside public towards the proceedings of the Legislatures. The Madras Government say that considerable interest and appreciation has been displayed by the public from the commencement of the Reforms, and that the constituencies have been keenly alive. In the Punjab public interest in the proceedings of the Council rose and fell, it is said, with debates with a pronounced political flavour; in the Central Provinces, the Government record a steadily rising tide of popular appreciation of the efforts of their representatives in the local Legislature. The discussion of agrarian questions in the United Provinces and the Bihar and Orissa Legislative Councils has brought home to large numbers of voters the value of the franchise.

Sir Malcolm Hailey on the Punjab Electorates.

We may here refer to some pertinent remarks of H. E. Sir Malcolm Hailey in opening the Punjab Legislative Council in November 1924. "The extension of the electoral system has brought into the orbit of politics classes whose interests were previously unvoiced and the free discussion here of their needs and requirements has given a new aspect to the whole of the public

life in the Punjab. The value of this development must not be judged merely by the force of the impact on Government policy of the views of these classes. The awakening of political consciousness among our rural classes has given them a new outlook as there is an insistent demand among them for better education, and for vocational training, great activity in availing themselves of character-building institutions such as co-operation, a new and more intelligent interest in all that concerns their economic welfare ". During the elections of 1923, the participation of the Swaraj party rendered the contests in many of the constituencies very keen and the polling was consequently much heavier than in the first elections. Even so, we are aware that the number of those who actually utilised their vote is a small proportion to the total population. Nor do we wish to overlook the fact that only six millions representing between two and three per cent. of the total population has been enfranchised. But it may not be amiss to point out here that in England, at the time of the first Reform Bill in 1832, only 3 per cent. were enfranchised, and these belonged to the rich and privileged classes; between 1832 and 1867, the number increased to 4·5 per cent., in 1867 to 9 per cent., in 1884 to a little over 18 per cent.; and it is only in 1918 that the number rose to over 50 per cent. (See Dr. W. A. Chapple's " Function of Liberalism ", Contemporary Review, September 1924). We would in this connection also draw attention to some impressive facts relating to the position in the United Kingdom as regards the state of the electorates and cognate matters, which Mr. Chintamani has cited in an addendum to his memorandum :

" Previous to 1832 there were less than 5,00,000 persons who had the right to vote in the election of members of Parliament. The Reform Act of that year increased the number to nearly 10,00,000; the Act of 1867 increased it to 25,00,000; the Act of 1884 increased it again to 55,00,000; and last of all the Act of 1918 increased the number of the electors to over 200,00,000. There are several millions of women to whom the vote is still denied ". (" Principles of Liberalism ", 1924, Liberal Publication Department Booklets, No. 2).

" Most of the English boroughs may be roughly divided into those which were sold by their patrons, the great territorial magnates, and those which sold themselves to the highest bidder ". The country constituencies of forty shilling freeholders, although limited and unequal, were less corrupt and more independent than the voters in boroughs, but they were practically at the disposal of the great nobles and local landowners. In 1793, when the members of the House of Commons numbered 558, no fewer than 354 were nominally returned by less than 15,000 electors, but, in reality, on the nomination of the Government and 197 private

patrons. The Union with Ireland in 1801 added 100 members to the House, of whom 71 were nominated by 56 individuals. In 1816, of 658 members of the House, 487 were returned by the nomination of the Government and 267 private patrons. Of these patrons, 144 were peers. "The glaring defects of the representative system—the decayed and rotton boroughs, the private property of noblemen, the close corporations openly selling the seats at their disposal to members who, in turn sold their own parliamentary votes, and the existence of great manufacturing cities distinguished by their wealth, industry and intelligence, and, yet possessing no right of sending representatives to Parliament" (Taswell-Langmead's Constitutional History of England).

Small as is the proportion of the population of which the Legislatures are directly representative, some of the local Governments have admitted their representative character. Thus, the Madras Government say that "the Council represents public opinion and to a certain extent also creates it"; the Bombay Government makes the same admission "in the sense that all the chief communities are represented in it and the members understand the interests of their communities and are ready to defend and support them"; the Punjab Government remark that the Council was representative of various shades of opinion but moderate public opinion was predominant. "As a body", they add, "the Council was shrewd, cautious and strongly imbued with the conservative ideas traditionally associated with the farmer class".

We have not been able to find the exact number of illiterates among the present electorates. But notwithstanding the fact that education in the three R's among the masses has been neglected in the past, we think that the average Indian voter, both rural and urban, is possessed of sufficient intelligence to understand issues directly affecting his local interests and capable of exercising a proper choice of his representatives. We think that the repeated use of the franchise will in itself be an education of potent value and the process of education must go hand in hand with the exercise of political power. We are, therefore, of the opinion that the franchise in every province should be carefully examined, and wherever it admits of lowering, it should be lowered, so as to secure the enfranchisement of a substantially large number of people.

(*b*) *Communal Tension and Tendencies.*—We are fully aware that the unfortunate tension between the two principal communities Hindu and Muhammedan which has recently manifested itself in riots in some towns is held to be a serious warning against any precipitate or even early move towards responsible Government. We do not wish to overlook the argument or to underestimate its force, but we wish also to enter a caveat against the tendency to exaggerate the extent of these communal differences,

which has been visible in a marked degree in certain quarters. Much as we deplore these dissensions and disturbances, we shall point out that in judging of them and their bearing upon the question of political advance, regard must be had to the size of the country and its enormous population, and also to the fact that the vast majority of the people live peaceful life, and in rural areas the relations between the two communities are, generally speaking, friendly. It is mainly in towns that unfriendly relations sometimes lead to results which the saner section of each community deplore. We shall here quote the evidence of Mr. Barkat Ali, a representative of the Punjab Muslim League, which bears out our own views of the matter.

"*Q.* I want to put you a few questions about the Hindu-Muhammedan situation in the Punjab. The majority of the population in the Punjab are agriculturists. Are they not? *A.* Undoubtedly.

*Q.* About 90 per cent of the population in the Punjab live on agriculture directly or indirectly? *A.* Yes.

*Q.* Now, is there any Hindu-Muhammedan racial bitterness or feeling in rural areas? *A.* Nothing of the kind.

*Q.* Because the interests of the Hindu and Muhammedan population in the agricultural portion of the Punjab are common? *A.* Yes, identical.

*Q.* They have common interests? *A.* Yes.

*Q.* Now I come to the urban areas. You know that in the Punjab the number of towns exceeding 20,000 in population is very small? *A.* Yes, there are only a few large towns in the Punjab.

*Q.* In fact, the majority of municipal towns in the Punjab are really large villages? *A.* Quite.

*Q.* In the smaller towns, is there any bitterness of feelings between the Hindus and the Muhammedans? *A.* Not much.

*Q.* So that this acute phase of communal feeling which is talked of so much exists mainly in the bigger towns in the Punjab? *A.* In the larger towns of the Punjab.

*Q.* Like Multan, Lahore and Amritsar? *A.* You may add to these Rawalpindi also."

Recognising as we do the imperative necessity and urgency for the removal of these differences, we shall point out that the leading members of the two communities have been anxious to bring about the establishment of good relations and we hope that these efforts will bear fruit. We also recognise that the conditions precedent for the success of such efforts are (1) the frank recognition by each community of the principles of religious freedom and the cultivation of habits of toleration; (2) the effective safeguarding

of the interests of minorities in respect of their political representation; (3) the adequate representation of duly qualified members of each community in the public services of the country. So far as the latter two conditions are concerned, we think that they can be brought about by provisions in the Act itself or the rules thereunder and through the agency of the Public Services Commission. So far as the first condition is concerned, we think that the fulfilment of the other two conditions is bound to have its effect on the general outlook of the minorities concerned, and will materially help the leaders of the communities in their social and moral activities in the cause of friendliness. It will also, we think, give a totally wrong impression of the political attitude of the Muhammedan community to say that being afraid of political power passing into the hands of the Hindu majority they are as a community opposed to responsible Government. The resolution of the Muslim League which we quote below shows in our opinion that the Muhammedans are as keen as the Hindus on the issue of political advance, but that they are anxious that such advance should be accompanied by the protection of their interests.

Muslim League's Resolution.

"Whereas the speedy attainment of Swaraj is one of the declared objects of the All-India Muslim League, and whereas it is now generally felt that the conception of Swaraj should be translated into the realm of concrete politics and become a factor in the daily life of the Indian people, the All-India Muslim League hereby resolves, that in any scheme of a Constitution for India, that may ultimately be agreed upon and accepted by the people, the following shall constitute its basic and fundamental principles :—

(*a*) The existing provinces of India shall all be united under a common Government on a federal basis so that each province shall have full and complete provincial autonomy, the functions of the Central Government being confined to such matters only as are of general and common concern.

(*b*) Any territorial redistribution that might at any time become necessary, shall not in any way affect the Muslim majority of population in the Punjab, Bengal and North-West Frontier Province.

(*c*) Full religious liberty, that is, liberty of belief, worship, observances, propaganda, association and education shall be guaranteed to all communities.

(*d*) The idea of joint electorates with a specified number of seats being unacceptable to Indian Muslims, on the ground of its being a fruitful source of discord and disunion and also as being wholly inadequate to achieve the object of effective representation of various communal groups, the representation of the latter shall

continue to be by means of separate electorates as at present, provided that it shall be open to any community at any time to abandon its separate electorates in favour of joint electorates.

(*e*) No Bill or Resolution or any part thereof affecting any community, which question is to be determined by the members of that community in the elected body concerned, shall be passed in any Legislature or in any other elected body, if three-fourths of the members of that community in that particular body oppose such Bill or Resolution or part thereof.

That in the opinion of the All-India Muslim League the Reforms granted by the Government of India Act, 1919, are wholly unsatisfactory and altogether inadequate to meet the requirements of the country and that the virtual absence of any responsibility of the Executive to the elected representatives of the people in the Legislature has really rendered them futile and unworkable; the League therefore urges that immediate steps be taken to establish Swaraj, that is full responsible Government having regard to the provisions of the previous resolution and this, in the opinion of the League, can only be done by a complete overhauling of the Government of India Act, 1919, and not merely by an inquiry with a view to discover defects in the working of the Act and to rectify imperfections under its rule-making power."

We are of the opinion that notwithstanding the note of warning sounded by some Muhammedan representatives from Bengal, the correct interpretation of their attitude is that if the conditions mentioned above are fulfilled and no majority is reduced to a minority in any province, they will agree to political advance. Our attention has also been drawn to the attitude of other minorities but we shall observe that so far as the Sikh community in the Punjab is concerned, it will decidedly welcome political advance, while the Indian Christian community has not only publicly supported it but generally deprecated separate representation. As regards the Non-Brahmins in Madras, we shall content ourselves with saying that they are not a minority and whatever may be said of their attitude towards the Brahmins, it cannot be said that on communal or on any other grounds they are opposed to political advance. On the contrary, having secured a large majority in the Council in Madras since the new era has been inaugurated, the present Ministers in Madras distinctly favour advance. While, therefore, we think that in the present conditions it is unavoidable that due regard must be paid to communal interests and that they should be adequately safeguarded by provisions in the Constitution, we do affirm that by the mere postponement of the solution of questions connected with Constitutional advance not only will no useful purpose be served but that it may make the task more difficult in the future.

(*c*) *Representation of Depressed and Working classes.* As regards the representation of the depressed and working classes, we are of the opinion that the correct principle to follow would be to lower the franchise so as to give them a chance, through the open door of election in general electorates; but where practical considerations point to a different conclusion, we would suggest that for the next few years only special constituencies might be formed for them. Our colleague Dr. Paranjpye is of the opinion that it should not at all be difficult to secure their representation in the Bombay Presidency by election from three or four districts. Similarly as regards factory labour, we favour their representation by election. We think that though disorganized at present, labour is showing distinct signs in urban areas of organizing itself at no distant date. We anticipate that this process will be expedited by labour legislation which we understand is under contemplation of the Government of India.

(*d*) *Size and heterogeneity of the provinces.* We are aware that one of the objections raised in certain quarters to any further political advance is that some of the Governors' provinces are too big in size and population and heterogeneous in character to admit of the proper working of self-governing institutions. The subject is too vast and complicated to be discussed with the materials before us. But we are of the opinion that the consideration of the general redistribution of territories should not precede any constitutional advance, and in any case redistribution should not be effected without the consent of the populations concerned. We are, however, strongly opposed to the use of section 60 for the appointment of Deputy Governors.

(*e*) *Internal Security and Self-Defence.* Another vital condition of political advance is that whatever be the form of government it should be in a position to discharge in an effective manner its primary function of maintaining internal security and defending the borders of the country against foreign aggression. This function is at present discharged directly by the provincial Governments so far as internal security is concerned though in cases of emergency they have to depend upon the support of the military. As regards defence against foreign aggression the responsibility rests with the Central Government. In our Chapter relating to provincial autonomy we have tried to envisage the future constitutional position in regard to matters of defence. We recognise the difficulty and complexity of the problem, but we also feel that there is urgent and pressing need for taking active steps to prepare India for her defence so that she may take over ultimately the management of her resources

of defence. We are aware of the steps which in recent years have been taken towards the realisation of that ideal. We refer to the grant of King's Commission to a small number of Indians, the opening of a Military College at Dehra Dun, to the pending proposals for the development of Territorial and Auxiliary Forces and the Indianisation of eight Units. We recognise that these matters are closely connected with the question of India's political advance and we feel that there can be no stability about any Constitution which may be devised for India without at the same time taking steps to prepare her for her self-defence within a reasonable period of time. In order to satisfy this condition of political advance we think that it is necessary to prepare a scheme which will have a direct relation to constitutional development in the near future to enable India to achieve full dominion status. We naturally do not feel ourselves called upon to enter into the details of any proposals. We have ventured to express these views only because it appears to us that this vital condition of political advance must be stated and recognised.

## CHAPTER IX.

### POSSIBILITY OF ADVANCE BY RULES.

It has been urged that an advance can be made by action under section 19A of the Act and without any radical amendment of the Act itself. With all respect to those who maintain this view, we entirely differ from it. In the first place, it is obvious that under section 19A the Secretary of State can only "regulate and restrict" the exercise of the powers of superintendence, direction and control vested in him. In the second place, such regulation and restriction of powers must be with a view to give effect to the purposes of the Government of India Act. These purposes are defined in the preamble, and we think that even if the Secretary of State felt so disposed, he could not, by the mere exercise of his powers under this section, abolish dyarchy. In the third place, reading the second and third parts of section 19A with the first part, it seems to us that the relaxation of the control contemplated by section 19A can only be with regard to Provincial Governments and cannot have any relation to the Central Government. The words "subjects other than transferred subjects" in the second part of the section, and the words "any rules relating to transferred subjects" in the third part of the section seem clearly to indicate the limits of the relaxation of the control of the Secretary of State contemplated by the rule-making power under this section. We also think that the relaxation of control provided for by this section cannot mean the same thing as divestment.

Sir Malcolm Hailey's view.

Our view as to the interpretation and process of making rules under section 19A is in the main supported by Sir Malcolm Hailey's exposition of the law in his speech in the Legislative Assembly on the 18th July 1923. He said: "There are two processes by which advance can be achieved in the direction of waiving control. First of all, there is the process of convention; secondly, there is the process which can be achieved by the making of rules under 19A and the like. But mark the constitutional implications of these two processes. While under a convention of non-interference, the statutory control of the Secretary of State and therefore of Parliament, still remains (though it may be in abeyance) the effect of making rules under section 19A differs in this, that it is a statutory divestment of control. What is the theory of our Constitution, or indeed of any Constitution? The theory of every Constitution which is not explicitly autocratic is that the Executive must remain under the control of some Legislature. Now, whatever some of our critics may say about us and the character of our administration, however autocratic it may be in intention and in spirit, in point of constitutional form it has not that character, for

the reason that our Executive is under the control of the British Parliament. In other words, it is under the control of a Legislature. Under what circumstances then can Parliament divest itself of that control? Obviously only in circumstances under which the Executive would come under the control of some other Legislature. Therefore, if Parliament is to be asked to divest itself of control over any particular subject, it seems to me that it can only do so when we have responsible Government within the Central Government, that is, when certain subjects are transferred to the control of the Indian Legislature. We would then have a process exactly parallel to that which has been followed in provincial Governments. There you have certain subjects transferred, that is, they are under the control of the Legislature, in so far that their administration is in the hands of Ministers who are responsible to the Legislature. It was in recognition of this fact that Parliament was able to divest itself of control over those particular subjects".

United Provinces Government's views.

Our view is further fortified by the opinion of the Governor in Council of the United Provinces contained in his letter, dated 3rd July 1924. We attach considerable importance to this exposition of the legal position, because that local Government happens to be presided over by Sir William Marris who was very intimately associated with the Reforms at their inception. "The Government of India have, indeed, suggested as another possibility, action under section 19A. The Governor in Council presumes that the suggestion is that the Secretary of State should by rules under that section divest himself of his powers of superintendence, direction and control over reserved subjects in respect of all matters on which the Governor in Council and the Legislative Council are in agreement, and that by an amendment of the Act (since section 45A (3) relates only to transferred subjects) the Government of India should similarly divest themselves of the powers of control now exercised by them. The Governor in Council cannot too strongly emphasise his opposition to this course. He believes that divestment (which, of course, must be clearly distinguished from delegation) would be constitutionally unsound, and indeed that the full implications of section 19A in so far as it enables this step to be taken, were possibly not foreseen or intended. At all events a similar proposal put forward by the Crewe Committee with regard to Central subjects was rejected by the Joint Parliamentary Committee for reasons which are as conclusive to-day as they were four years ago. Every Government, which is not a military autocracy, must be responsible to some authority, whether that authority be the people as a whole or some dominant class or section. The Governor in Council is responsible at present to

Parliament and the control of Parliament is enforced by the Secretary of State, and the Government of India, who are the agents of Parliament. As already shown, the influence of the Legislature on the administration of the reserved subjects is very substantial; but influence, however far it may extend, is not control; control rests ultimately with Parliament; and the Governor is armed with powers which enable him, in the last resort, to give effect to its wishes. In so far as the Secretary of State and the Government of India were divested of the authority now exercised by them, this would cease to be the position; and to that extent the Governor in Council would no longer be responsible to Parliament. Legally, the place in the Constitution thus vacated by Parliament would remain unfilled; in deciding to accept the views of the Legislature, the Governor in Council would be responsible only to his own conscience. In practice, however, his authority would be completely undermined; for to the wishes of the Legislature he could oppose only his own personal opinions. A situation of this kind could have only one outcome; the control now wielded by Parliament would pass to the local Legislature. But this control would have no legal sanction; and the Council would have no clearly defined responsibility. It may or may not be desirable that wider powers should be conferred on the Legislative Council, but this particular method has all the disadvantages and none of the advantages of a formal transfer".

We also desire to draw attention to section 131 of the Government of India Act which provides that nothing in this Act shall derogate from any powers of the Secretary of State in Council in relation to the Government of India. In our opinion, so long as this section stands on the Statute Book the control of the Secretary of State must constitutionally remain unimpaired, and it is difficult to see how any action taken by him under section 19A can divest him of that ultimate control.

## CHAPTER X.

### TRANSFER OF MORE SUBJECTS AND AMENDMENT OF THE ACT AND RULES.

In the preceding Chapters of our report we have made it clear that the result of our enquiry satisfies us that the Constitution must be amended. But we feel ourselves compelled by clause 2 of the terms of reference "to investigate the feasibility and desirability of seeking remedies for such difficulties or defects, consistent with the structure, policy and purpose of the Act (*a*) by action taken under the Act and the rules, or (*b*) by such amendments of the Act as may appear necessary to rectify any administrative imperfections." We accordingly proceed now to this part of our duty.

Transfer of more Subjects.

Our investigation in pursuance of this clause of the terms of reference has disclosed two possible courses: namely, (1) the transfer of more subjects from the list of reserved subjects to that of transferred subjects and (2) the minor amendments of the Act or the rules.

As regards the first course, it is clear that for the continuance of the system of Dyarchy at least one subject should continue to be reserved. The majority of the Committee, in their Report, suggest a transfer only of the following subjects:—

(1) 'Forests' in all the provinces in which they have not already been transferred;

(2) Excise in Assam;

(3) Fisheries in Assam;

(4) In regard to Education, they recommend that the first head in clause (*b*) of Schedule I, Part II of the Devolution Rules, namely, the control of the establishment and the regulation of the Constitution and Functions of Universities constituted after the commencement of these rules should now be deleted, the effect of which would be that legislation in this matter would become provincial.

(5) As regards Land Acquisition, they are of the opinion that there is no *prima facie* reason why this subject should not be transferred, and in their opinion it should be transferred in all provinces unless valid reasons are shown to the contrary.

(6) In regard to Provincial Law Reports, which we should have thought was a matter of no special administrative consequence, some members of the majority were not prepared to recommend transfer. But the rest of them, constituting a majority, recommended that the subject be transferred.

(7) As regards industrial matters, they recommend by a majority that Boilers, Gas and Housing should be transferred, those of them that are subject at present to the Indian Legislature continuing to be so.

(8) As regards Stores and Stationery, it is already a transferred subject, but the majority have recommended that the restriction of such rules as may be prescribed by the Secretary of State in Council should be done away with.

(9) As regards the Provincial Government Presses the majority of the Committee recommend that the question whether the subject cannot be transferred should be examined.

(10) As regards the control of the Services, to which we attach great importance, the majority consider it would be a waste of time to consider it until the orders on the recommendations of the Lee Commission have been passed.

It would thus appear that the only major subject recommended for transfer is Forests. One of our colleagues, Mr. Jinnah, took up the position in the Committee that our inquiry had shown that the entire constitution must be amended; but compelled as he felt under the terms of reference to confining himself to the limits prescribed by them, he proposed on the assumption that the principle of Dyarchy must be maintained, that all subjects save and except law and order should be transferred, subject to such adjustment and further definition of Central and Provincial Subjects as might be determined. With this opinion Dr. Paranjpye was in full agreement. Sir Sivaswamy Aiyer agreed with Mr. Jinnah's proposal, but he was not prepared to endorse the suggestion for the adjustment and definition of Central and Provincial Subjects without further examination of details. Sir Tej Bahadur Sapru did not object to the transfer of any subject, but consistently with the views that he holds on the practical difficulties of working Dyarchy, he was not prepared to recommend the transfer of any subject. The majority of the Committee say in their Report that no recommendations within the terms of reference would satisfy Indian public opinion. We desire to

express our complete agreement with this opinion, though we do not agree with some of the members of the majority who hold that there is a section of Indian politicians which will recognise that a constitutional advance has been effected if more subjects are transferred, particularly when the list of recommended transfers referred to above is borne in mind. We think that the position has been correctly summed up in the letters of the Governments of the United Provinces and Bihar and Orissa. The former observe as follows.

United Provinces Government's views.

" The transfer of all these subjects would not satisfy any section of Indian politicians. On this point the repeated declarations of prominent Liberals leaves no room for doubt. The opposition to the present Constitution would be in no way weakened; on the contrary, it would be strengthened in the measure of success achieved; while the capacity of the Government to resist further concessions would be correspondingly diminished."

Bihar and Orissa Government's views.

The Bihar and Orissa Government observe :—

" Whatever defects exist are inherent in the system itself; and this raises the main point which is the keynote of the discussion. Assuming that a further step in advance is contemplated, on what grounds is this step going to be taken? In order to make Dyarchy more workable? It is workable now, though creakily. The few minor remedies suggested above may cure a creak or two, but they will affect the larger questions in no degree whatsoever. The real issue is: Are we going to pacify at all costs our clamant critics? If this is the object to be sought, not one of the few minor remedies suggested above will influence them one jot or title. They will be satisfied with nothing but the disappearance of Dyarchy and in its place the substitution of what is popularly known as Provincial autonomy. That, as already emphasised, is the real issue which has to be faced."

Amendment of the Act and the Rules.

We shall now briefly refer to the question of amendments of the Act or of the rules. There are certain recommendations made by the majority of our colleagues to some of which we have no objection; but there are others which we are not prepared to accept.

(1) *Section 52.*—Ordinarily the salary of a Minister should be the same as that of a Member of the Executive Council, but the Legislature should have the power on grounds of economy alone to fix it by its own legislation at a lower figure which should bear a definite and reasonable proportion to the salary of a Member of the Executive Council. Reduction of the salary to mark the Council's disapprobation of a Minister's policy may be moved by a resolution at the time of the Budget discussion to the extent of a nominal figure only.

(2) Rules made under the proviso of sub-section (3) of section 52 suggesting that the word ' may ' should be changed to ' shall ', we have no objection.

(3) *Section 67B.*—It seems to us that the words " or interests " are far too wide and the fact that the Governor General certifies a Bill cannot be put higher than this, that in his opinion resort to this power is necessary. This power of the Governor General does substantially subordinate the Legislature to the Executive. In a fully responsible form of Government such power would be wholly out of question. In a constitution such as ours, it can best be in the nature of an expedient to be resorted to in coping with temporary difficulties arising out of a conflict between the Legislature and the Executive. But even so, we think that this power requires to be circumscribed more precisely and that, if the power of certification has to remain, its exercise must be strictly limited to cases of safety and tranquillity and the words " or interests " should be deleted from the section. It is suggested that the deletion of these words will give rise to the same difficulties as were at one time experienced in the Colonies. We are unable to agree with this opinion. Our attention has not been drawn to any difficulties that arose in the Colonies owing to the absence of these words from their Constitutions.

(4) (*a*) *Franchise.*—We have already dealt with this subject in a previous chapter. Holding the views that we do, we cannot agree with the majority that there should be no general broadening of the franchise.

(*b*) We are also of the opinion that adequate representation of the depressed classes and of factory labour should be given by means of election. One of our colleagues, Dr. Paranjpye, is strongly of the opinion that in the Bombay Council at least six elective seats should be allotted to the depressed classes and three to factory labour.

(*c*) *Extension of the rural franchise in the Punjab.*—We suggest that the question should be further examined.

(*d*) *Woman's franchise.*—We recommend that women should be enfranchised by rules in every province and also should have a right to stand for election.

(5) *Seats in Provincial and Central Legislatures.*—We are in favour of their being increased so as to secure adequate representation of all classes and interests.

(6) *Special Constituencies.*—In our opinion, the aim should be to encourage territorial electorates and not to extend the principle of special electorates. As regards the question of the readjustment of special electorates raised by several witnesses, we have no objection to this being done in the light of local conditions.

(7) *Communal representation.*—We have already expressed our views on this subject. In our opinion the abolition of communal electorates is at present out of question, but we are entirely opposed to the extension of the principle any further.

(8) *Plural Constituencies.*—Upon the material before us, we are unable to make any specific recommendation. Dr. Paranjpye, however, records the following opinion :—

" Single member constituencies tend to give an exaggerated importance to the dominant sections and minorities are apt to be overlooked and left without any representation at all. Modern opinion is in favour of multi-members' constituencies and proportional representation either by means of single transferable vote or at least by means of a cumulative vote, though in the present condition of India with insufficient means of communication and the absence of highly educated electorates, it may not be possible to have a very large constituency, still I am opposed to any move in the opposite direction. Only large constituencies returning many members each are likely to give adequate and reasonable representation to all sections and parties in the country."

(9) *The official bloc.*—We are opposed to its retention on principle. It mainly serves the purpose of adding to the voting strength of the government in the Legislature.

(10) Miscellaneous suggestions regarding elections, election offences, and the like (paragraph 61); the treatment as non-officials of the President, Deputy President and Council Secretaries (paragraph 62); Recommendations regarding questions and Resolutions (paragraphs 64 and 65); Formal motions and other motions (paragraphs 66 and 67); Miscellaneous suggestions regarding legislations (paragraph 73).

We have no objections to the recommendations of the majority regarding the above.

(11) As regards previous sanction to provincial legislation (paragraphs 68 and 69) or the operation of previous sanctions under section 80 (*c*) on the reservation of provincial legislation (paragraph 71) we have no objection to the recommendations of the majority.

(12) As regards the return to new Councils of bills for reconsideration in whole or in part, upon the question raised by the Madras Government, we think that the law should be made more clear, as in our opinion it is not free from doubt.

(13) As regards powers of restoration (paragraph 74) we do not agree with the view of the Bombay Ministers that the powers to certify expenditure in regard to transferred subjects should be vested in the Governor in Council instead of in the Governor or that the Governor General in Council should be substituted for the Governor General in the provisions which relate to

the powers to decide in cases of doubt whether expenditure is required to be submitted to the vote of the Council.

(14) We have no objection to the recommendation of the majority rejecting the view of the Bengal Government that the power to authorise expenditure in relation to transferred subjects should be extended in certain specified cases. Nor do we agree with Sir P. C. Mitter's suggestion based on the Japanese Constitution that the Governor or the Governor General, as the case may be, in lieu of the existing provisions may authorise expenditure which has not been granted to the extent of the total amount of the previous year's budget and in the case of the Legislative Assembly to five per centum above the amount of the previous year's budget.

(15) As regards the recommendation of the majority that the conflict between section 72D and the Legislative rules should be removed so as to provide in the latter that motions may be moved at the stage of voting on the whole grant to reduce that grant or to omit or to reduce certain terms in that grant we have no objection.

(16) As regards the question of the life of the Councils, two of our colleagues, Sir Sivaswamy Aiyer and Dr. Paranjpye, consider that the period should be extended to at least four years while the remaining two Sir Tej Bahadur Sapru and Mr. Jinnah prefer the present period of three years.

(17) As regards questions relating to joint deliberations between the two halves of the Government which we have discussed at length at a previous stage, we have no objection to the recommendation of the majority (paragraph 82) for the framing of a definite rule under the Act which would replace the Convention emphasised by the Joint Select Committee.

(18) As regards the question of joint responsibility of the Ministers (paragraph 84) we suggest that section 52 (3) itself should be modified so as to secure this end. We would not leave it to the growth of a convention on the subject. We desire to say that the Cabinet system with a Chief Minister should be definitely provided for. It has been tried successfully in Madras and we do not agree with the suggestion of the majority that the difficulties in the way of establishing joint responsibility in India are great and that they are enhanced where the two main communities, Hindu and Mohammedan are keenly divided in a local Council. We think that in every Council there are at least a certain number of Hindus and Mahommedans who share common political aims and ideals and we believe that the enforcement of the principle of joint responsibility will promote common political action and help to strengthen political parties in Councils and outside.

(19) As regards the recommendation of the majority in regard to Council Secretaries, we have no objection.

(20) As regards the recommendations of the majority in regard to the Finance Department, or the Finance Member or on the question of the joint *versus* separate purse or the appointment of the joint Financial Secretary (paragraphs 92-98) we have already discussed them at length in a preceding chapter and we do not wish to express any further opinion.

(21) As regards the recommendation of the majority in regard to reappropriation (paragraph 99), or the recommendation with regard to concession, grant or lease of mineral or forest rights we have no objections (paragraph 100).

(22) As regards the recommendation of the Joint Select Committee with regard to the borrowing powers of the local governments, under the local governments' borrowing rules we have no objection to the amendment of section 20, sub-section (2) of the Act so as to define clearly the meaning of the expression "Government of India" which has been interpreted in judicial decisions in a very restricted sense.

(23) As regards the recommendations of the majority in regard to the separation of provincial balances and of accounts from audit, we have no objection.

(24) As regards European commercial representation in the Legislative Assembly we have no objection to the recommendations of the majority.

(25) As regards the recommendation of the majority with regard to the changing of the date of the beginning of the Railway year to the first of August and of placing the Railway estimates before the Assembly in the middle of September we are unable to make any recommendation as it requires further examination.

(26) *Control of the Secretary of State in Council over transferred subjects.*—We have discussed the constitutional position at length with reference to section 19A at an earlier stage. We do not think that the regulation and restriction of the exercise of his powers of superintendence, direction and control under section 19A can at all amount to a divestment of control. As to how far he can further relax his control consistent with his statutory obligations under the present Act is a question which has not been discussed by the majority and we think that no real relaxation of such control in any greater degree is possible under the present Constitution over the transferred subjects (paragraph 107).

(27) As regards Control of the Secretary of State in Council over central and provincial reserved subjects, we think that consistently with his responsibility to Parliament any divestment of such control is out of question, and any relaxation of it by definite delegations of powers by rule must be of a very limited character. We note that the majority are of opinion that the step which, in

their opinion, should be taken is to work towards establishing a practice in conformity with the position taken by the joint Committee that control in cases affecting purely Indian interests should not be exercised. We venture to doubt whether such a convention would be of any permanent value or could effectively put a stop to the powers of control, particularly when it is realised that it is extremely difficult to define the expression "purely Indian interests". Bearing in mind the present Indian Constitution we do not feel justified in building much hope on such a convention.

(28) As regards the rules of executive business we have no objection to the first recommendation of the majority that where this is not already the case a rule may be made providing that a Member or a Minister may recommend to the Governor that a case in his own department should be considered before the joint Cabinet or before that side of the government which is directly concerned in it. As regards the second recommendation that a rule should be framed requiring the Secretary in the department to inform his minister, in regard to the action proposed in a particular case, of his intention to refer it to the governor, we have no objection. As regards the question of direct access of the Secretary or the head of a transferred department to the governor we do not think that it is parallel to such right of access in the case of a Secretary or head of department on the reserved side. In the former case the Minister is responsible to the Legislature; in the latter, the member in charge of a portfolio on the reserved side of the government owes no such responsibility.

(29) *Rules of Executive Business.*—As regards the recommendation that the government should interview each of the Ministers on a special day each week, we have no objection if it is found to be practicable.

(30) As regards the majority's recommendations that members of the Legislatures in India should be exempt from sitting as jurors or assessors and from liability to arrest or imprisonment for civil causes during the sessions of the Legislatures and for periods of a week immediately preceding and following actual meetings we have no objection. Nor do we object to their further recommendations that the influencing of votes of members of Legislatures by bribery, intimidation and the like should be penalised under the ordinary law or that Civil Courts should have no power to intervene for the purpose of preventing a President from putting certain motion to the Council or that section 110 of the Government of India Act be so amended as to secure immunity to the Governor-General, Governors and their Members of Executive Councils from the jurisdiction of all the Civil Courts and not merely from the original jurisdiction of the High Court.

(31) *Qualifications of candidates.*—While we think it would be better in principle to secure candidates who, if elected, will be able to take an intelligent part in the deliberations of the Councils, there are great practical difficulties in the matter of laying down definite qualifications. We are, therefore, unable to make definite recommendations.

(32) *Disqualification of candidates.*—It is recommended that a sentence of six months which constitutes a bar to election should be increased to one year. We have no objection.

(33) *Residential qualifications.*—We are opposed to their retention.

(34) *Appointment of Nominated Members.*—We entirely disapprove the principle of nomination of non-officials except for specified minorities in whose case it is difficult to constitute electorates.

Social legislation.

As regards the recommendations of the majority in paragraph 120 of their Report, we have considered their recommendations. While we appreciate the importance of the subject we feel that under the present Constitution section 67 (2) provides a sufficient safeguard against any hasty or ill-advised measure affecting the religion or religious rites and usages of any class of British subjects in India. We recognise that, having regard to the conditions in India, it is not easy at all times to draw a sharp line between social and religious usages. While we understand the spirit of caution which has led the majority of our colleagues to recommend the appointment of standing committees of the Legislature for social legislation, we do not feel ourselves justified in committing ourselves, more particularly because we think the subject has not been sifted in the manner in which it might have been. We think that the importance of the subject should be borne in mind when the Constitution is revised and the Legislatures are made truly responsible.

## CHAPTER XI.

### VIEWS OF INDIAN MEMBERS OF PROVINCIAL GOVERNMENTS.

We have already referred to the demands for further advance made by the Legislative Assembly almost from the very commencement of the Reforms. We now propose briefly to indicate, as far as possible, in their own words the views of the Indian Members of the Provincial Executive Councils and Ministers, many of whom have held office from the beginning of the new era. We attach considerable importance to their opinions as being those of men who have acquired administrative experience and knowledge of the working of the system. We do not overlook the fact that the Governor-in-Council of the various Provinces have generally taken a different view.

Madras.

The Hon'ble the Raja of Panagal, observes in his letter, dated 16th July 1923 : " What the ten years' period was expected to teach the three years' period has taught. Knowing as we do that the transitional stage aimed at by the Act is attended with serious risks, it is no use keeping to that stage . . . . . Going back to the old form of Government is out of the question. The only course open is to advance forward." He recommends the transfer of all subjects to popular control, subject to certain residuary powers being vested in the Governor in regard to law and order and finance.

The Hon'ble Sir A. P. Patro, also a Minister in Madras, makes the same recommendation but qualifies the residuary powers to mean those similar to the powers vested in the President of the United States. In his letter dated the 12th June 1924, he observes :—" It has become increasingly difficult to continue the unity of Government as the Legislative Council now feels disappointed that the co-operation with the Government has not yet resulted in any progressive measure of responsibility. The experience of the past three years shows the necessity for a thorough readjustment and the transfer of subjects."

Sir K. V. Reddy, Minister in Madras during 1921-1923 says in his letter dated 6th August 1924 :—" It is admitted on all hands that Dyarchy has failed. Even in the province of Madras where an honest attempt has been made to work the Reforms in the spirit in which they were conceived, Dyarchy has absolutely failed. . . . . The only remedy I can think of for the above defects is complete Provincial autonomy." While pleading for complete provincial autonomy, he urges that it is essential to have a re-distribution of the provinces on a linguistic basis.

Bombay.

The Honourable Messrs. Chunilal V. Mehta and Cawasjee Jehangir, Members of the Executive Council in Bombay, observe in a Joint Note, dated 4th July 1924:—"We are of the opinion that no palliatives will be of any effect and that the creation of an authority to control the Government in the shape of a responsible elected council to take the place of the control of exercise by the Secretary of State and ultimately by Parliament can only be achieved by full responsibility in the provinces. We therefore think that a Royal Commission should at once be appointed for this purpose. In conjunction with the establishment of full responsibility in the provinces, certain questions arise which can be considered by the Commission. The relations of the Provincial to the Central Government will have to be fixed. . . The main object of the reforms was to secure that the country should be governed with greater regard to the Indian point of view; but this purpose has not been achieved."

The Hon'ble Messrs. Ghulam Hussain Hidayatulla, B. V. Jadhav and Ali Muhammad Khan Dehlavi, Ministers in Bombay, endorse the above suggestions.

Sir Chimanlal Setalvad, *ex*-Member of the Executive Council in Bombay, states in his Memorandum:—"The only way to restore confidence and to ensure the smooth working of the Constitution is to take a courageous and bold step and to give provincial autonomy, in the beginning in the major provinces, making all subjects transferred and placing them in the hands of Ministers with joint responsibility. . . . In my view, mere alterations and amendments in the rules and regulations under the Government of India Act will not meet the necessities of the situation." After indicating that an element of responsibility should be introduced in the Central Government with certain reservations as regards foreign relations, defence and law and order, Sir Chimanlal Setalvad concludes:—"A consideration of making an advance on the lines indicated above should, I venture to think, be immediately undertaken."

United Provinces.

The Honourable the Raja of Mahmudabad, Home Member, United Provinces Government, observes in his Minute of Dissent appended to the Report of the Local Government:—"It will, I am sure, be a mistake to wait any longer and not to set the Government machinery right at once with a view to satisfy the people and secure a better method of administration in the interests of Government as well as of the people. . . . Dyarchy should go and the Government in future should consist of Ministers only." He concludes: "I would once more insist with all the force at my command, that nothing short of amending the present Act will satisfy the aspirations of people of all shades of opinion."

The Hon'ble Messrs. Nawab Lieut. Ahmad Said Ali and Rajeshwar Bali, Ministers in the United Provinces, in a Joint Note, dated the 20th June 1924, observe :—" We are of opinion that no advance is possible in the Central Government without amending the Constitution. We consider such an advance essential for the realisation of self-government within a reasonable period of time ". Regarding the provinces, they say " Here we speak with first hand knowledge of the working of the Constitution. We are of opinion that in these provinces the system of Dyarchy should be brought to an end and full provincial autonomy conceded. We base our conclusions partly on the extreme difficulties of working the system and partly on the results so far achieved in spite of an admittedly defective Constitution.

Mr. Chintamani, *ex*-Minister in the United Provinces, after stating " as the system is admittedly transitory and has proved to be unworkable without grave misunderstandings and frequent friction and unpleasantness which are detrimental to efficient administration and good government, there is no point in leaving it wholly or very much as it is because ten years have not elapsed since it was brought into being" recommends that "Provincial Governments should be transferred into fully responsible Governments" He also suggests the introduction of responsibility into the Central Government subject to certain reservations as regards defence and foreign and political affairs.

Bihar and Orissa.

The Hon'ble Mr. Sachidananda Sinha, Finance Member in Bihar and Orissa Government, in his Note dated the 18th July 1924, remarks, " India has started on the road to responsible Government, there is no half-way house in the Provincial Governments, between the old system now superseded and full provincial autonomy—that is, a constitutional Governor and a responsible Ministry...Claiming to be in intimate touch with these large, important and influential sections throughout Bihar, I can unhesitatingly declare that there is even in the ranks of these classes (referring to large and stable elements in the population who are still sincerely loyal to the British connection and not oblivious of the good that has resulted from it in the past) a deep dissatisfaction with the system of dyarchy and a complete distrust of any advantages likely to accrue from it." He concludes : " I have no alternative but to suggest that the present system in the provinces be superseded by the establishment of complete provincial autonomy which alone seems to be the true solution of the difficulty ".

The Hon'ble Sir Fakhr-ud-Din and Mr. Ganesh Dutt Singh, Ministers, in a Joint Note, after referring to the practical difficulties of working Dyarchy, suggest " As far as the inherent defects are

concerned, the remedy lies in changing the whole system. According to popular opinion, Dyarchy is doomed and it is not possible to work it successfully ".

Central Provinces.

The Hon'ble Sir M. V. Joshi, a Member of the Executive Council, concludes his Minute of Dissent to the Report of the Central Provinces Government, thus :—" One thing is clear that Dyarchy as a working experiment neither had nor can have a fair trial. Full provincial autonomy might be attended by some risks, but it would be a right test for deciding whether parliamentary forms can be properly worked in the interests of the people at large. The Constitution might have been safeguarded by retention of larger powers to the Governor under defined limitations and this can be done even now. For these reasons, I consider that all provincial subjects should be transferred ".

Mr. S. M. Chitnavis, in his Note submitted to the Committee, says : " Dyarchy is perhaps a clumsy weapon for forging a system of complete self-Government....Not only is complete provincial autonomy essential for progressive Government as well as for administrative efficiency, but even this will not be of full avail without the Central Government being made responsible to the Legislature and being freed of outside control in all matters of internal administration ".

Rao Bahadur Kelkar, *ex*-Minister, concludes his Note submitted to the Committee in the following words :—" These are some of the defects which I have noticed in the practical working of Dyarchy. There is not merely a division of authority, but there is a division of allegiance on the part of the Service to different halves of the Government. If all subjects are made transferred, these defects or difficulties would be greatly minimised ".

Bengal.

Sir Surendra Nath Banerjea, in his Note, dated 8th October 1924, makes the following observations :—

" The real difficulty about Dyarchy is that it depends upon the uncertainties of the personal element, which may vary in the different provinces and in the same province from time to time, and that no rules and no hard and fast conventions can afford adequate protection. Dyarchy should go as quickly as possible, not because it has been a failure everywhere, but because public opinion apparently does not want it." But he adds that full provincial autonomy should be accompanied by certain necessary safeguards which must be thought out and recommended by a Parliamentary Commission. He also urges the introduction of responsibility in the Central Government.

Sir P. C. Mitter in his note submitted to the Committee remarks: "Soon after joining Government I realised that the system was unsatisfactory and unworkable. But apart from the inherent defects of Dyarchy its failure to fulfil the expectations of the people has made it so unpopular that it can no longer be run as a democratic institution. This failure is due as much to its inherent defects as to the financial difficulties under which it had to work in all provinces and especially in Bengal. If those financial difficulties be removed in future and if other defects be remedied, even then it cannot be successfully worked any more as a democratic institution".

We recognise that the Hon'ble Sir Abdur Rahim and Messrs. A. K. Fazlul Huq and A. K. Ghuznavi take a different view.

Punjab.

The Hon'ble Sirdar Sundar Singh Majithia, Member of the Executive Council in the Punjab, suggests in his letter, dated 21st May 1924: "If the eventual goal of self-Government and Provincial autonomy has to be achieved, it is desirable that a larger number of reserved subjects should be transferred and their administration placed under the charge of the elected representatives of the people in the person of Ministers appointed from the Members of the Legislative Council." He criticises the dual system of Government "as having to some extent stood in the way of united action. It has not brought about the development of the party form of Government or the sense of responsibility to the Legislature". It seems to us obvious from the list of subjects which he recommends should be reserved such as the nomination of members, control of Cinematographs and public entertainments and other subjects of minor significance that he was endeavouring to keep himself within the terms of reference.

The Hon'ble Messrs. Fazl-i-Hussain and Choudhri Lal Chand (the latter had lately to resign office) in a Joint Note, dated the 1st May 1924, recommend the transfer of all subjects in the provinces except the nomination of members, because Dyarchy prevents, in their opinion, "(*a*) the creation of a united Government, (*b*) the development of the party form of Government, and (*c*) the developing of a sense of responsibility in the Legislature". They also suggest that a certain amount of responsibility should be introduced in the Central Government.

Assam.

The Hon'ble Mr. Promod Chandra Dutta, Minister in Assam, in his letter of the 19th May 1924, refers to Dyarchy in the following terms, "that Dyarchy is unpopular is beyond dispute. Few have a good word for it now. . . . To me it seems that in the present temper of the people nothing short of full responsible Government in the provinces or at least

a sure prospect of its early attainment will placate them. Such a demand is being voiced from all platforms. Their methods are indeed different, but the objective is the same—call them Moderates, Liberals, Swarajists or Congressmen." Concluding he observes: "It seems to me that whether Dyarchy is to be retained or abolished is a question which has to be decided for all the provinces together."

The Hon'ble Syed Muhammad Saadulla, Minister in Assam, in his note dated 15th May 1924, remarks "The position of Ministers under the present system is one of great delicacy and difficulty. The Minister is to be appointed by the Governor and dismissed by him, but his pay is to be fixed by the Legislative Council. Therefore he seems to be under two cross fires and must please both his masters, the Governor and the Council. To add to this embarrassment there is the convention that he cannot betray the Government and speak out his mind in the open Council even on subjects in connection with which he has differed from the opinion of the majority of the Government." In a later paragraph he expresses the opinion "so long as the constitution remains a dual one, there will be vigorous criticism of the present system. If any advance is to be made in the present constitution, there ought to be only one form of Government, that is the Governor and Ministers alone and all subjects should be treated alike." He is willing, however, to concede that one of the Ministers may be a Government officer elected or selected from among the official members of the Legislature.

We would draw attention to the following statement contained in the letter of the Assam Government, dated the 1st July 1924 :—

> "The general attitude of the Council in regard to the present political situation is well illustrated in the debate on the introduction of responsible Government in Assam. The resolution on the subject requested the Secretary of State and the Governor in Council to take such immediate steps as may be necessary in order to establish full responsible Government in Assam. Of the members who supported the resolution, some took it in its literal sense, while others interpreted it as meaning that full responsible Government should be established as early as practicable, but a wide spread dislike of dyarchy and a general desire to support the resolution were evident, and it was eventually carried by a majority which included all the Indian non-official Members of the Council except three nominated members."

We would also draw attention to the following statement contained in the letter of the Assam Government dated the 1st July 1924 :—

"The general attitude of the Council in regard to the present political situation is well illustrated in the debate on the introduction of responsible Government in Assam. The resolution on the subject requested the Secretary of State and the Governor in Council to take such immediate steps as may be necessary in order to establish full responsible Government in Assam. Of the members who supported the resolution, some took it in its literal sense, while others interpreted it as meaning that full responsible Government should be established as early as practicable, but a wide spread dislike of dyarchy and a general desire to support the resolution were evident, and it was eventually carried by a majority which included all the Indian non-official Members of the Council except three nominated members."

Burma.

The Hon'ble Messrs. J. A. Maung Gyee and U. Maung Gyee, Ministers in Burma, recommend the provincialisation of Central subjects and the transfer of all subjects to popular control. The Governor in Council in Burma in his letter of the 11th of July 1924 while not agreeing with either of these recommendations suggests that any subject which may be transferred in any province in India should, unless there is any clear reason to the contrary, be made a transferred subject in Burma as well.

## CHAPTER XII.

### CONCLUSION.

Having expressed our views in detail on the working of the present system, its inherent constitutional defects and the practical difficulties experienced in its working, we shall now briefly submit our conclusions. While we agree with the majority that the constitution, as a whole, requires to be worked by reasonable men in a reasonable spirit if dead-locks are not to ensue, we venture to think that this will hold good in the case of any other constitution. In our opinion, the system of Dyarchy was during the first three years everywhere worked in the Legislatures by men most of whom were professedly its friends and who generally speaking tried to work it in that spirit of reasonableness which is referred to by the majority of our colleagues, and it is no exaggeration to say—indeed this is also the testimony of several local Governments which we have quoted above,—that generally a spirit of harmony and co-operation prevailed between the Legislature and the Executive, notwithstanding the fact that the atmosphere outside was for sometime markedly unfavourable. The Indian Ministers and Members of Executive Councils also, upon whom new opportunities of service were conferred, appear to us to have been within the sphere of their Executive duties, equally eager to work the Constitution in the same spirit of reasonableness, and yet differing from the majority of our colleagues we have been forced to the conclusion that the present system has failed and in our opinion it is incapable of yielding better results in future. The system has been severely tested during the course of this year and its practical breakdown in two provinces, *viz.*, Bengal and the Central Provinces as a result of the opinions of the majority of the members of the Councils of those two provinces who refuse to believe in the efficacy of Dyarchy and the tension prevailing in the other Legislatures for similar reasons, point to the conclusion that the constitution requires being overhauled. It has failed in our opinion for several reasons: (1) There are the inherent defects of the constitution which though theoretically obvious at its inception have now been clearly shown by actual experience to exist. (2) The Ministers position has not been one of real responsibility. (3) While in a few provinces the practice of effective joint deliberation between the two halves of the Government has been followed, in several of them it has not been. (4) Excepting to a partial extent in Madras, almost everywhere else the Ministers have been dealt with individually by Governors and not on the footing of collective responsibility. (5) The close inter-connection between the subjects of administration which have been divided into 'reserved' and 'transferred' has made it extremely difficult for Legislatures at times to make in practice a distinction between the two sections

of the Government with the result that the policy and administration of the Reserved half of the Government have not infrequently been potent factors in determining the attitude of the Legislatures towards the Ministers and have also in our opinion prejudiced the growth and strength of parties in the Councils. (6) The Meston Award has crippled the resources of the provinces. It has been the corner stone of the entire Financial system, and it has prevented Ministers from developing nation-building Departments to the extent which would have enabled them to produce any substantial results. (7) The defects of the Rules which we have noticed before and the constitution and the working of the Finance Departments have put a severe strain on the system.

The Central Government.

The criticism which the Montagu-Chelmsford Report made of the Congress League Scheme has been demonstrated to be true in actual experience of the defects of having an irremoveable Executive with an elected majority in the Legislature as is the case in the Legislative Assembly under the present Constitution: "An Executive which is independent of its Legislature " says the Report " as the Indian Executives have hitherto been can carry on the Government in virtue of authority derived from without; a party Executive can govern because it interprets the will of the people as represented by the Assembly, but wherever, as in Canada or Malta, attempts have been made to set up an irremoveable Executive and a popular Assembly, acute conflict has ensued and has resulted either in advance to popular government or a return to autocracy". It is scarcely necessary to point out that since the above passage was written, responsible government has been introduced in Malta with certain reservations relating to matters of Imperial interests.

We think that the Bihar Government has correctly summed up the position in the provinces by saying that Dyarchy is working ' creakily ' and ' minor remedies may cure a creak or two.' We have examined in detail the sections of the Government of India Act and the Rules made thereunder with a view to see how far 'creaks' discovered can be 'cured.' We are satisfied that this process, though it may lead to some improvement of the administrative machinery in some respects, will not produce any substantial results. We do not think that the suggested amendments if effected will afford 'valuable training towards responsible government' or will provide any solution of the difficulties which we have discussed in our chapter on political conditions, or that they will strengthen the position of the Provincial Governments, in relation to their Legislatures or that of the Central Government in relation to the Assembly. The majority of our colleagues say that no alternative transitional system has been placed before us. We think that no such alternative transitional system can be devised

which can satisfactorily solve the administrative or political difficulties which have been brought to our notice. To our mind the proper question to ask is not whether any *alternative transitional* system can be devised but whether the constitution should not be put on a permanent basis, with provisions for automatic progress in the future so as to secure stability in the government and willing co-operation of the people. We can only express the hope that a serious attempt may be made at an early date to solve the question. That this attempt should be made—whether by the appointment of a Royal Commission with freer terms of reference and larger scope of enquiry than ours or by any other agency—is a question which we earnestly commend to the notice of the Government.

We have the honour to be,

Your Excellency's most obedient servants,

TEJ BAHADUR SAPRU.

P. S. SIVASWAMY AIYER.

M. A. JINNAH.

R. P. PARANJPYE.

*Delhi, 3rd December 1924.*

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# East India (Constitutional Reforms).

# Reforms Enquiry Committee, 1924.

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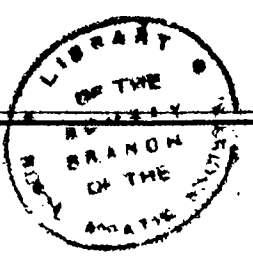

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| (*c*) general lines on which....have been disallowed .. .. .. .. | 35 | 71 | 114 | 139<br>142 | .. | 201 | 232 | 242 |
| (*v*) Miscellaneous— | | | | | | | | |
| (*a*) motions for adjournment .. .. | 42 | 73 | 116 | 140 | 160 | 203 | 233 | 243 |
| (*b*) amendments of standing orders .. .. | 43 | 74 | .. | 141 | 161 | 203 | 233 | 243 |
| (*vi*) *Extent to which Councils represent and react on public opinion* .. .. .. .. | 44 | 75 | 117 | 141 | 161 | 203 | 233 | 244 |

| | Discussed by | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Madras. | Bombay. | Bengal. | U. P. | Punjab. | B. & O. | C. P. | Assam. |
| | On page | | | | | | | |
| B—Legislature—*contd.* | | | | | | | | |
| (*vii*) extent to which and by what means relations have been maintained between members of Councils and their constituencies .. .. | 45 | 75 | .. | 141 | 161 | 204 | 234 | 244 |
| (*viii*) Formation of political lines of groups or parties within the Councils, and how far they coincide with or traverse purely communal lines of cleavage .. .. .. .. | 44 | 75 | 117-123 | 141 | 162 | 204 | 234 | 244 |
| (*ix*) Conventions of procedure as between the Legislature and the executive Government .. | 46 | 76 | 120 | .. | 163 | 204 | ... | 244 |
| (*x*) Appointment of Commissions and Committees and the scope of their enquiries .. .. | .. | 76 | 122 | 132 | 155 | .. | .. | — |
| (*xi*) Growth of parliamentary practice and tradition | 46 | 76 | .. | 142 | .. | .. | .. | — |
| (*xii*) Party organisation and the issue of whips, etc. .. | 46 | 78 | .. | 142 | 163 | 205 | .. | 245 |
| (*xiii*) Prominent party leaders, their policies and their adherents .. .. .. .. | 48 | 79 | .. | 142 | 163 | .. | .. | 245 |
| (*xiv*) arrangement of business .. .. .. | .. | 78 | 122 | .. | .. | .. | .. | — |
| (*xv*) attitude of Council towards European and Officials .. .. .. .. .. | .. | .. | 126 | .. | .. | .. | .. | — |
| C.—Constituencies and the Public. | | | | | | | | |
| (*i*) Percentage of enfranchised persons to total populations and percentage of votes recorded to voters .. .. .. .. | 48 | 79 | 127 | 143 | 164 | 205 | 234 | 245 |
| (*ii*) interest evinced by the constituencies and the public in the work of the Council .. .. | 51 | 79 | 128 | 143 | 164 | 205 | .. | 245 |
| (*iii*) extent to which formation of political groups or parties in the Councils is reproduced in or derived from the constituencies .. .. | 52 | .. | 129 | 143 | 164 | 205 | 234 | 246 |
| (*iv*) Electoral organisation in the constituencies, political programmes, parties and party funds and machinery .. .. .. .. | 52 | 97 | 129 | 143 | 164 | 206 | 235 | 246 |
| (*v*) Influence of Press on politics and public opinion, the promotion of organs of the Press supporting the views of particular groups or parties in the Councils .. .. .. .. | 53 | .. | 129 | 143 | 165 | 206 | 235 | 246 |
| D.—Political agitation and parties outside the Reforms Scheme. | | | | | | | | |
| (*a*) Attitude and activities of the Congress and Khilafat parties and their influence on the Councils and the constituencies .. .. .. | 53 | .. | 130 | 143 | 165 | 206 | 235 | 246 |

| | Discussed by | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Madras. | Bombay. | Bengal. | U. P. | Punjab. | B. & O. | C. P. | Assam. |
| | On page | | | | | | | |
| D.—Political agitation and parties outside the Reforms Scheme—*contd.* | | | | | | | | |
| (b) Attitude of Councils towards measures taken by Government against non co-operation and Khilafat activities, etc. .. .. .. | 54 | .. | .. | 143 | 165 | 210 | .. | 247 |
| (c) Later stages of non-co-operation movement, etc. | 54 | .. | .. | .. | .. | 210 | 235 | .. |
| (d) Formation of parties of the Congress with the object of entering the Councils .. .. | 54 | .. | .. | .. | .. | .. | .. | 247 |
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| E.—Miscellaneous points touched on in the Reports. | | | | | | | | |
| (a) Nomination of Experts under the Government of India Act .. .. .. .. | 43 | 75 | 116 | 140 | 161 | 203 | .. | 244 |
| (b) Lobbying .. .. .. .. .. | .. | .. | 122 | .. | .. | .. | .. | .. |
| (c) Influence of Councils over matters relating to reserved side in spite of the absence of any convention of responsibility .. .. | .. | .. | 122 | .. | .. | .. | .. | .. |
| (d) Provincial contributions .. .. .. | 21 | .. | 110 | .. | 159 | .. | .. | .. |
| (e) Retrenchment Committees .. .. .. | .. | .. | .. | .. | .. | .. | 236 | 241 |

Letter no. D.-917, dated the 23rd April 1923.

From—The Secretary to the Government of India, Home Department.

To—The Chief Secretaries of all local Governments (except Burma).

His Excellency the Viceroy desires to have from each Presidency and Province a report on the working of the reformed constitution and its results, political, financial and administrative, covering the whole period from the commencement of the Government of India Act up to date. The report is intended to enable His Excellency to make a comprehensive and comparative survey of the operation of the reformed system of government in the various provinces, the directions in which the strength or weakness of the system has been manifested, the lines on which the possibility of further progress and development or the necessity for greater elements of stability has been indicated and its effects on the administration and on the general political situation.

2. As a great deal of ground has to be covered and as it is necessary for purposes of comparison that there should be some substantial uniformity in the scope and method of the reports from the various provinces, His Excellency desires that the following main heads should be dealt with *seriatim* :—

A—The Executive Government.

B—The Legislature.

C—The constituencies and the public.

D—Political agitation and parties outside the reforms scheme and their influence on it.

3. A—*The Executive Government.*—Under this head the following points appear to call for particular notice :—

(*i*) Constitution and personnel of the Executive Government on both reserved and transferred sides, and distribution of business.

(*ii*) Allocation of funds to reserved and transferred subjects.

(*iii*) Constitutional or Cabinet difficulties and the resignation on such grounds of members or ministers.

(*iv*) Reinforcement or readjustment of Secretariat or other Head Quarters establishment necessitated by the Reforms.

(*v*) Co-operation between the Executive Government and the Legislature with special reference to permanent or special Committees of the latter and the action taken in pursuance of their recommendations, and the use of Council Secretaries.

(*vi*) Relations between the reformed Government and the Public Services.

(*vii*) General effect of the reforms on the cost and efficiency of the administration.

(*viii*) The Reforms and Local Self-Government.

4. B—*Legislature.*—The working of the Legislative Councils will naturally form one of the principal subjects of the report. The first requisite is a concise but comprehensive summary of the business transacted by the Councils under the following main heads :—

(*i*) Government Legislation.

(*ii*) Private Bills.

(*iii*) Financial Business.

(*iv*) Resolutions and questions.

(*v*) Miscellaneous.

His Excellency desires to have a self-contained record in the briefest possible compass of the items of business transacted, but this should be supplemented by a commentary dealing with the more important questions of policy or politics thereby raised. As regards (*i*) Government legislation, the salient points are the general attitude taken towards Government measures by the Council, especially those involving additional taxation, measures dealing with law and order or public security, measures involving racial considerations and measures directed towards social reform, development of resources and improvements in the administration. Legislative measures which have been defeated or withdrawn owing to opposition should be particularly noticed. Other points of importance are cases of the certification, return or reservation of bills (sections 72-E. and 81-A. of the Government of India Act), the withholding of assent (section 81, *ibid*) and resort to regulations, ordinances or other extraordinary legislative powers.

(*ii*) *Private Bills.*—Some account should be given of the character of the private legislation proposed, introduced or passed ; and special reference should be made to cases in which such legislation was supported, adopted or opposed by Government.

(*iii*) *Financial Business.*—Under this head, the most important points are the attitude of the Councils towards Government proposals for expenditure and taxation; action taken by the Councils to enforce or extend their financial powers; cases in which Government have accepted reductions of their estimates or in which the restoration of rejected demands have been found necessary ; measures of retrenchment ; and proposals emanating from the Councils involving increased expenditure.

(*iv*) *Resolutions and Questions.*—Some general comment would be of value on the exercise of the Councils' powers of resolution and interpellation ; with special notification of the more important particular instances ; of the action taken by Government in pursuance of resolutions or questions ; and of the general lines on which resolutions and questions have been disallowed.

(*v*) *Miscellaneous.*—The more important cases under this heading will probably relate to motions for adjournment and amendments of Standing Orders.

5. In addition to the specific points above detailed arising out of particular items of the business transacted by the Councils, there are many questions of

a more general nature regarding the working of the Councils to which attention should be directed, of which the following are examples :—

(*a*) The extent to which the Councils represent and react on current public opinion.

(*b*) The extent to which and by what means relations have been maintained between members of the Councils and their constituencies.

(*c*) The formation on political lines of groups or parties within the Councils, and how far these coincide with or traverse purely communal lines of cleavage.

(*d*) The institution of what may be broadly called conventions of procedure as between the Legislature and the Executive Government or the Governor, as *e.g.*, the grounds for the disallowance of resolutions and questions ; the appointment of Commissions and Committees and the scope of their enquiries ; and, within the Councils themselves, the institution and growth of a parliamentary practice and tradition.

(*e*) The institution, whether on the part of Government or of parties within the Councils, of any form of party organization, the issue of whips, consultation as to the concerted attitude to be taken on particular measures, appointments or election to committees, the priority to be given to particular items of Council business and so forth.

(*f*) Prominent party leaders, their policies and adherents.

6. *The Constituencies and the Public.*—Several of the points relevant to this heading have been incidentally touched on in the preceding paragraph, but may be capable of a somewhat broader treatment. Information and opinions on the following points would be of value :—

(*i*) The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye-elections to the total number of voters on the register.

(*ii*) The interest evinced by the constituencies and the public in the work of the Councils.

(*iii*) The extent to which the formation of political groups or parties in the Councils is reproduced in or derived from the constituencies.

(*iv*) Electoral organization in the constituencies, political programmes, parties and party funds and machinery.

(*v*) The influence of the press on politics and public opinion, and the promotion of organs of the press supporting the views of particular groups or parties in the Councils.

7. D.—*Political agitation and parties outside the Reforms Scheme.*—It is obvious that no appreciation of the present political situation and of the possibilities of the future would be complete without careful consideration of th

attitude and activities of the Congress and Khilafat parties which have hitherto elected to remain outside or to oppose the political system set up by the Government of India Act and of their influence on the Councils and constituencies. In this respect the attitude of the Councils towards the measures taken by Government against non-co-operative and Khilafatist activities and the interest taken in the trial, conviction and treatment in jail of persons charged with offences connected with political movements are of importance. The later stages of the non-co-operative movement and the formation of parties of the Congress with the object of entering the Councils will require particular attention with regard both to the present political situation and to possible developments in the immediate future. Non-co-operative activities in Municipalities and Local Boards should also be considered in the same connection.

8. The above suggestions are not intended to be exhaustive but merely general indications of the scope and contents of the report. The weight to be given to the points here summarised will necessarily vary greatly in different provinces and doubtless many others, which have not been included, will be found to have an important bearing on the enquiry proposed.

9. I am to request that the report may be submitted not later than June 30th.

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## MADRAS.

Letter No. 838, dated 16th July 1923.

From—The Chief Secretary to the Government of Madras,

To—The Secretary to the Government India, Home Department.

With reference to your letter no. D. 917, dated 23rd April 1923, I am directed to submit the following report on the working of the reformed constitution and its results, political, financial and administrative, covering the whole period from the commencement of the Government of India Act up to date. To facilitate reference, the paragraphs of this report are numbered in the centre headings in the same way as those of your demi-official letter under reply.

### A.—The Executive Government.

*Paragraph 3 (i). Constitution and personnel of the Executive Government on both the reserved and transferred sides, and distribution of business.*

2. The strength of the Executive Government under the Reforms scheme introduced by the Government of India Act, 1919, was fixed as follows for the Madras Presidency: —

Four Members of the Executive Council, and

Three Ministers.

The Hon'ble Sir Lionel Davidson and the Hon'ble Mr. (now Sir Charles) Todhunter were re-appointed as Members of Council, and the Hon'ble Khan

Bahadur (now Sir) Muhammad Habib-ul-lah Sahib Bahadur and the late Hon'ble Sir K. Srinivasa Ayyangar were appointed as the Indian Members of Council. All the four Members took their seats with effect from the 17th December 1920.

3. The three Ministers who were appointed from the same date were :—

(1) The late Hon'ble Diwan Bahadur A. Subbarayulu Reddiyar Garu.

(2) The Hon'ble Diwan Bahadur P. Ramarayaningar (now the Hon'ble the Raja of Panagal).

(3) The Hon'ble Rai Bahadur (now Sir) K. Venkatareddi Nayudu Garu.

In selecting the Ministers His Excellency the Governor adopted the plan, in strict consonance with the British constitutional practice, of calling upon the leader of the party which had been returned to power by the general elections to make recommendations.

4. The subsequent changes in the personnel of the reserved half of the Government were—

(*a*) The Hon'ble Sir Charles Todhunter took leave from May to October 1921 and the Hon'ble Mr. A. R. Knapp was appointed temporary Member of Council.

(*b*) The Hon'ble Sir Lionel Davidson retired from active service from 1st April 1922 and the Hon'ble Mr. A. R. Knapp was appointed as permanent Member in the vacancy.

(*c*) The late Hon'ble Sir K. Srinivasa Ayyangar resigned from the 12th February 1923 and the Hon'ble Mr. C. P. Ramaswami Ayyar was appointed temporary Member from 12th February 1923 till 21st March 1923 and permanent Member thereafter.

(*d*) The Hon'ble Mr. A. R. Knapp availed himself of six months' leave from 1st May 1923, and the Hon'ble Mr. R. A. Graham was appointed as temporary Member.

5. On the transferred side the only change was that entailed by the resignation of the late Hon'ble Diwan Bahadur Subbarayulu Reddiyar Garu from 11th July 1921, and the appointment of the Hon'ble Rao Bahadur A. P. Patro as Minister in the resultant vacancy.

6. Under sub-section (2) of section 49 of the Government of India Act, the following distribution of business among the Members of the Executive Council and the Ministers was made by His Excellency the Governor on the introduction of the Reforms scheme. The portfolios reserved for His Excellency the Governor in the pre-reform Council are now distributed among other Members of the Cabinet.

## A.—MEMBERS.

**HOME MEMBER ..**

Hon'ble Sir Lionel Davidson—17th December 1920 to 31st March 1922.

Hon'ble Mr. A. R. Knapp—1st April 1922 to 30th April 1923.

Hon'ble Mr. R. A. Graham—1st May 1923 to date.

Aliens.
Administration report.
Air-craft.
Arms and explosives.
Cinchona.
Court of Wards and zamindars.
*Criminal justice, including petitions for mercy.
Criminal Tribes Act, 1911, except 'settlements and schools established under sections 16 to 19'.
Dramatic performances and cinematographs.
Ecclesiastical.
European education.
European vagrancy.
Excluded areas.
Forests, including preservation of game.
*Magistracy.
†Malabar affairs.
Military.
Newspapers, books and printing presses.
Passports.
Pilgrimages outside British India.
*Police.
Political.
Public Works (Governor's residences).
Protection of wild birds and animals.
Railways.
*Regulation of betting and gambling.
*Reports on matters of political and administrative importance.
Rewards for saving life and property.
*State prisoners.

**FINANCE MEMBER ..**

Hon'ble Sir Charles Todhunter—17th December 1920 to 3rd May 1921 and 24th October 1921 to date.

Hon'ble Mr. A. R. Knapp—4th May 1921 to 23rd October 1921.

Archæology.
Borrowing.
Conduct of business in Council.
Customs.
Finance.
Government Press.
Income-tax.
Indian Civil Service questions other than leave and appointments.
Local fund audit.
Meteorology.
Move of Government to the hills.
Office procedure.
Pensions.
Petition rules—general questions.
Precedence.
Posts, telegraphs and telephones.
Ports.
Protected monuments.
Publicity (including Editor's Table).
Public Service Commission and service questions, including examinations and special tests, land returns and Government Servants' Conduct Rules.
Reforms—not being legislative.
Public Works (Harbours).
Salt.
Stores and stationery for reserved departments.
Taxation.
Trade.

*Transferred to Law Member in April 1922.

†New subject allotted as a result of the Mappilla rebellion.

## A—MEMBERS—*contd.*

REVENUE MEMBER .. Hon'ble Khan Bahadur Sir Muhammad Habib-ullah Sahib Bahadur—17th December 1920 to date.

Boilers.
Census.
Development of mineral resources.
Economic condition, including prices wages.
*Electricity and water power.
Escheats.
Famine relief.
*Inland water-ways.
*Irrigation—major works.
Land acquisition.
Land Revenue administration (other than Court of Wards and zamindars and landlords and tenant).
Minor irrigation.
Pounds.
Stamps.
Territorial changes (intra-provincial).
Treasure trove.
Water-rates.
Wild animals and rewards for their destruction.
Yeomiahs and hereditary pensions.

LAW MEMBER .. Hon'ble Sir K. Srinivasa Ayyangar—17th December 1920 to 11th February 1923.
Hon'ble Mr. C. P. Ramaswami Ayyar—12th February 1923 to date.

Administrator-General & Official Trustee
Cantonments.
Civil justice.
†Civil supplies.
Companies.
Criminal tribes (settlements and schools established under sections 16 to 19 of the Criminal Tribes Act, 1911).
† Depressed classes.
Elections.
†Emigration.
Extradition.
Kazis.
†Labour and factories.
Landlord and tenant, including Estates Land Act.
Law officers.
Law reports.
Legislation.
Nuisances.
Poisons.
†Prisons.
Prevention of cruelty to animals.
†Reformatories.
Regulation of medical and other professional qualifications.
Translators to Government.
Vehicles.

## B—MINISTERS.

MINISTER FOR EDUCATION AND PUBLIC WORKS. Hon'ble Diwan Bahadur A. Subbarayulu Reddiyar—17th December 1920 to 10th July 1921.
Hon'ble Rao Bahadur A. P. Patro—11th July 1921 to date.

Education (other than European and Anglo-Indian education).
Excise.
Libraries.
Public Works, other than Governor's residences, harbour works, irrigation, tramways and light railways.
Registration of deeds and documents.
Stores and stationery for transferred departments.

MINISTER FOR LOCAL SELF-GOVERNMENT. Hon'ble the Raja of Panagal—17th December 1920 to date.

Adulteration of foodstuffs.
Local Self-Government.
Medical administration.
Pilgrimages within British India.
Public health and sanitation and vital statistics.
Religious and charitable endowments.
Registration of births, deaths and marriages.
Tramways and light railways.

---

*Transferred to Law Member in April 1922.
†Transferred to Home Member in April 1922.

| | |
|---|---|
| MINISTER FOR DEVELOPMENT. | Hon'ble Rai Bahadur Sir K. Venkatareddi Nayudu Garu—17th December 1920 to date. |

| | |
|---|---|
| Agriculture. | Development of industries, including industrial research and technical education. |
| Civil veterinary department. | Fisheries. |
| Co-operative societies. | Weights and measures. |

*Paragraph 3 (ii). Allocation of funds to reserved and transferred subjects.*

7. The division of provincial subjects into reserved and transferred has not been attended by an allocation of the sources of the provincial revenue to the two branches. The expenditure on services of all kinds is a charge on the general revenues and balances of the province : and the allocation of funds to reserved and transferred subjects is a matter for agreement between the two halves of the Government (*vide* Devolution Rule 31). In the event of failure to arrive at an agreement, the question would have to be decided either by His Excellency the Governor or by an authority appointed by the Governor-General on the application of the Governor (Devolution Rules 32—35). The latter contingency has not arisen in connexion with the preparation of any of the provincial budgets since the Reforms, as the apportionment of funds between reserved and transferred subjects has so far been settled amicably by the combined Government at their joint deliberations.

8. The present procedure adopted by the combined Government in dealing with the expenditure budget is briefly as follows. The budget is divided into part I 'Standing Sanctions,' which means items which have already received the approval of the Legislative Council ; and part II 'New Schemes' which have yet to go before it. In the case of the former, while there is much calculation and adjustment of detail, there is no question of policy to be considered, while the latter need consideration of matters of policy, sometimes from quite a number of points of view. The estimates for 'Standing Sanctions', in the case of both reserved and transferred departments, go through the processes of examination by the Secretariat and are subjected to financial scrutiny ; and the estimates, as revised by the Finance department, are placed by major heads before the Finance Committee. The alterations recommended by the Finance Committee are usually adopted by the Government ; or if there are difficulties in adopting those recommendations, the matter is again placed before the Finance Committee. Broadly speaking, no radical changes have so far been insisted on by the Finance Committee. The recommendations of the Finance Committee are then considered by the combined Government at their joint meeting specially convened for the purpose ; and, with reference to the funds available after providing for 'Standing Sanctions', a selection is made by them of the 'New Schemes' which should be included in the budget to be presented to the Legislative Council.

9. The following statement shows in broad outline the allocation of funds year after year to the reserved and transferred departments since the introduction of the Reforms in 1921-22. Although there have been extensive redistributions of subjects among the reserved departments, yet the general line of boundary between reserved and transferred subjects has remained intact : hence it is possible to trace in the statement a gradual increase in the yearly

allocations to transferred subjects. It is necessary to point out, however, that there are numerous departments on either side which do work for both sides, and that it is not possible to arrive at any exact distribution of expenditure between the two. To take a few instances, there is a large part of the staff concerned with the general administration which serves all departments. The pay of Ministers who are in charge of transferred departments has so far been shown as reserved. The buildings relating to reserved departments come under Public Works (Transferred). There are other charges which are common to both reserved and transferred departments although the budget shows them as reserved, such as Interest on debt, Scientific departments, Superannuation allowances and pensions, and Miscellaneous, etc. ; —

| Year. | Total expenditure. | Reserved. | Transferred. | Percentage to the total expenditure. | |
|---|---|---|---|---|---|
| | | | | Reserved. | Transferred. |
| | Lakhs. | Lakhs. | Lakhs. | | |
| 1921-22 (Accounts) .. | 1,677·92 | 1,254·24 | 423·68 | 75 | 25 |
| 1922-23 (Revised estimate) | 1,652·84 | 1,217·33 | 435·31 | 74 | 26 |
| 1923-24 (Budget estimate) | 1,711·72 | 1,245·09 | 466·63 | 73 | 27 |

The above figures includes under ' reserved ' the contribution of 348 lakhs to the Central Government—a sum of money which, when released, will in all probability be applied almost entirely to transferred subjects. Excluding this contribution, the percentage given above will work out as under :—

| Year. | Total expenditure. | Reserved. | Transferred. | Percentage to the total expenditure. | |
|---|---|---|---|---|---|
| | | | | Reserved. | Transferred. |
| | Lakhs. | Lakhs. | Lakhs. | | |
| 1921-22 (Accounts) .. .. | 1,329·92 | 906·24 | 423·68 | 68 | 32 |
| 1922-23 (Revised estimate) .. | 1,304·84 | 869·53 | 435·31 | 67 | 33 |
| 1923-24 (Budget estimate) .. | 1,363·72 | 897·09 | 466·63 | 66 | 34 |

*Paragraph 3 (iii). Constitutional or Cabinet difficulties and the resignation on such grounds of Members or Ministers.*

10. Discussion of important questions at joint meetings of both sides of the cabinet has been almost the invariable rule, there having been 46 such meetings in each of the years 1921 and 1922 and 22 meetings in 1923 up to the end of June, while the number of Council meetings has been only 3, 2 and 2, respectively, during the same periods. The arrangement under which practically all administrative questions are considered at joint meetings of the Cabinet has been so far successful in securing agreement that there are only four minutes of dissent on record.

As will be seen from paragraph 4, the only changes that have taken place in the constitution of the Government have been the resignation of Sir Lionel Davidson on the termination of his active service in India, the resignation of the late Diwan Bahadur Subbarayulu Reddiyar on the ground of ill-health and the resignation of the late Sir K. Srinivasa Ayyangar mainly as a consequence of the rejection by the Council of the Irrigation Bill at its first reading [paragraph 58 (*a*) below.].

*Paragraph 3 (iv). Reinforcement or readjustment of Secretariat or other head-quarters establishment necessitated by the Reforms.*

11. The Reforms led to the creation of the posts of fourth Member of the Executive Council, three Ministers, three Council Secretaries, the President, the Deputy President and the Secretary to the Legislative Council.

The pay of these officers is as follows : —

| | Pay. |
|---|---|
| | Rs. |
| One Member of Council .. .. .. | 5,333 |
| Three Ministers .. .. .. | 5 333 each per mensem from 17th December 1920 to 31st March 1923; and Rs. 4,333 per mensem thereafter. |
| One President of the Legislative Council .. | 3,000 per mensem from 17th December 1920 to 31st March 1923; and Rs. 2,000 per mensem thereafter. |
| One Deputy President of the Legislative Council | 5,000 per annum. |
| One Secretary to the Legislative Council .. | 1,500 per mensem. |
| Three Council Secretaries .. | 500 each per mensem. |
| | 31,333 per mensem or 3·72 lakhs per annum. |

12. A staff of four steno-typists and twenty-four peons was created for employment under the fourth Member of the Executive Council and the three Ministers, while for the President of the Legislative Council, a separate office was created, consisting of two superintendents, nine clerks, ten Legislative Council reporters and seventeen inferior servants and a temporary establishment costing about Rs. 6,300 per annum of typists and proof-readers.

13. In the Secretariat, a separate Finance department was constituted, thereby raising the number of the Civil Secretariat departments from five to six, and their nomenclature was changed as shown below : —

| Designation prior to the introduction of the Reforms. | Designation after the introduction of the Reforms. |
|---|---|
| Chief Secretariat .. .. .. | Chief Secretariat. / Finance Secretariat. |
| Revenue Secretariat .. .. | Revenue Secretariat. |
| Revenue (Special) Secretariat .. | Development Secretariat. |
| Home Secretariat .. .. | Law Secretariat. |
| Local and Municipal Secretariat .. | Local Self-Government Secretariat. |

14. The main additions made to the Secretariat staff are as follows :—

| Department. | Permanent. | Temporary. |
|---|---|---|
| Finance Secretariat. | (1) Secretary (pay admissible under the superior scale of pay applicable to Indian Civil Service officers *plus* a special pay of Rs. 250 per mensem).<br>(2) One Assistant Secretary Rs. 500—50—800. | (1) One Deputy Secretary (grade pay of Indian Civil Service officers under the superior scale *plus* a special pay of Rs. 200 per mensem).<br>(2) One Assistant Secretary Rs. 500—50—800. |
| Local Self-Government Secretariat. | *Nil.* | (1) One Deputy Secretary, in lieu of one permanent Under Secretary (grade pay of Indian Civil Service officers under the superior scale *plus* Rs. 200 per mensem).<br>(2) One Assistant Secretary Rs. 500—50—800. |
| Law Secretariat. | *Nil.* | One Assistant Secretary Rs. 1,050. |

15. The Finance Secretariat has been strengthened temporarily by the appointment of a Deputy Secretary and of an Assistant Secretary. A menial staff of five temporary peons in all has been sanctioned for these two officers.

16. A temporary post of Assistant Secretary had to be created in the Law department for legislative drafting work. The pay of that post is at present Rs. 1,050 and the existing sanction for the post will expire on the 31st August 1923. The marginally noted staff is employed under that officer.

| | Rs. |
|---|---|
| One upper division clerk .. | 70 |
| One typewriting clerk .. | 40 |
| Two peons .. | 30 |

17. The Local Self-Government Secretariat had to be strengthened temporarily by the appointment of a Deputy Secretary and of an Assistant Secretary, the permanent post of Under Secretary attached to that Secretariat being held in abeyance during the continuance of those temporary posts.

*Paragraph 3 (v). Co-operation between the Executive Government and the Legislature, with special reference to permanent or special committees of the latter and the action taken in pursuance of their recommendations, and the use of Council Secretaries.*

18. One of the most important features of the Reforms has been the development of government by committees; and since their inception there has hardly been a week during which committees of one sort or another have not been sitting. The committees may be said to be of four classes :—

I. Standing committees whether (A) elected by the Legislative Council or (B) appointed by the Government.

II. Departmental committees appointed by the Government.

III. Committees appointed by the Government for the preparation of projects of legislation, etc.

IV. Committees appointed by the Government at the instance of the

19. *I (A). Standing committees elected by the Legislative Council.*—As regards committees under this class, reference may be made in the first place to the Public Accounts Committee constituted under rule 33 of the Legislative Council rules for the purpose of dealing with the Audit and Appropriation Accounts of the province and such other matters as the Finance department may refer to it. The committee is composed of ten members, of whom seven are elected by the Legislative Council and three are nominated by Government. The intention is that it should become an inquisitorial body which will probe thoroughly all financial irregularities and defalcations and misdemeanours. As it could not function till the accounts of at least one previous financial year were ready, it only got really to work in the beginning of the present year when it examined fully the Accountant-General's Audit and Appropriation reports for 1921-22. Its most important resolution dealt with the Public Works department and the finances of local bodies. With reference to the first, it emphasised the need for closer examination by the Finance department with a view to check such irregularities as starting works without estimates, exceeding estimates without sanction and late payment of bills. As regards local bodies, the committee took a very serious view of the growing practice of overdrawal of accounts at the Government treasuries by some of the municipalities and many of the district and taluk boards. The remedy suggested was the introduction of a proper banking system and the strengthening of the audit staff working under the Examiner of Local Fund Accounts.

20. The Finance Committee, though not statutory, is in some ways an even more important body than that on Public Accounts. It consists of nine members, of whom three, including the Finance Member as chairman, are nominated by the Government, and six are non-official members of the Legislative Council, elected by the Council : a fresh committee is appointed every year. While the Public Accounts Committee reviews the finances after the year is over, the Finance Committee deals with current and proposed expenditure. Before it all schemes involving new and recurring commitments are brought for examination before they are included in the budget ; and though the committee is only advisory, its recommendations naturally have great weight with the Cabinet when deciding what expenditure shall be included in the estimates to be placed before the Legislative Council for sanction for the coming year. It has also proved of great importance that a selected number of members of the Council should have had the opportunity of closely examining all new schemes before they come to be debated on the floor of the House and of bringing informed criticism to bear on the various proposals.

During the budget session the committee sits at least once a week, at other times at such convenient intervals as may be required.

21. *I (B). Standing committees appointed by the Government.*—Besides the above two committees, which are mainly composed of members elected by the Legislative Council, there are standing committees in various departments appointed wholly by the Government, but consisting of a majority or comprising a considerable number of non-official members of the Legislative Council, whose assistance and co-operation the Executive Government wish

to secure in the administration of the various departments. The following standing committees may be mentioned in this connexion :—

(1) The Road Board consists of fifteen members of whom seven are members of the Legislative Council (non-officials), appointed by G. O. no. 880, dated 19th May 1921, to work out a definite policy for improving the communications of the Presidency. It is a standing advisory committee.

(2) The Standing Advisory Committee for Excise Administration. There are eleven members of whom nine are members of the Legislative Council (non-official), with the Hon'ble the Minister in charge of Excise for their president. A resolution moved in the Council by Rao Bahadur A. S. Krishna Rao Pantulu on 3rd August 1921 to the effect that a special Excise Committee should be appointed was modified by the unanimous consent of the House into a resolution that the standing committee to be attached to the Excise department be required to investigate and suggest means of improving the Excise administration of the Presidency. The committee prepared a questionnaire on prohibition and local option and sent it to selected officials and non-officials to be answered. The answers received were duly examined and a number of witnesses were also selected for oral examination at the next meeting of the committee, the date of which has not yet been fixed.

(3) The Agency Advisory Committee consisting of nine members, of whom six are members of the Legislative Council (non-official), has for its president the Hon'ble the Home Member. It was appointed in October 1921 to advise the Government in regard to Agency administration. The committee has met from time to time to advise the Government on various questions, chiefly in regard to the budget. The Committee's opinion is generally accepted and acted on.

(4) The Forests Committee has nine members, of whom seven are members of the Legislative Council (non-official), presided over by the Hon'ble the Home Member. It was appointed by G. O. No. 1858, dated 4th October 1921, and its functions are advisory.

(5) The Standing Committee on Education and Registration has eight members, of whom seven are non-official members of the Legislative Council, and the president is the Hon'ble the Minister in charge of Education and Registration. The committee was appointed by G. O. No. 1577, Law (Education), dated 5th November 1921.

(6) The Industries and Fisheries Committee has fourteen members, of whom ten are members of the Legislative Council (non-officials), and the president is the Hon'ble the Minister in charge of Industries. This committee, whose functions are advisory, was appointed by G. O. no. 2118, dated 12th November 1921.

(7) The Agriculture and Co-operation Committee has fourteen members, of whom ten are members of the Legislative Council (non-official), and it was appointed by G. O. no. 2125, Development, dated 14th November 1921, its functions being advisory.

(8) The Public Works Advisory Committee, consisting of ten members, of whom nine are non-official members of the Council, with the Minister in

charge of Public Works as chairman, appointed by G. O. no. 1731 W., dated 29th November 1921.

(9) The Consultative Council of Public Health with twenty-one members, of whom eight were members of the Legislative Council and presidents of district boards, was appointed by G. O. no. 7, Medical, dated 4th January 1921, in order to maintain touch with non-official opinion both as regards the general principles of health policy and as regards such broad questions as might from time to time arise concerning medical relief, preventive medicine and medical education. This council was dissolved on the formation of the Advisory Committee for Public Health to be presently mentioned.

(10) The Advisory Committee for Public Health, ten out of eleven members of which are members of the Legislative Council (non-official), was appointed by G. O. no. 314 (Public Health), dated 27th February 1922. Meetings were held on 17th February 1922 and on 3rd and 17th March 1923; most of the recommendations of the committee have been given effect to by the Government.

(11) The Advisory Committee for Local and Municipal Administration has eleven members, of whom ten are members of the Legislative Council (non-official), and was appointed by G. O. no. 378, L. & M., dated 27th February 1922.

22. *II. Departmental committees appointed by the Government for special purposes.*—The number of such committees is naturally very large and it is perhaps unnecessary to specify those composed solely or mainly of officials. The following are instances in which the Government have *proprio motu* included in their departmental committees a substantial proportion of non-official members of the Legislative Council :—

(1) The Madras Disturbances Committee consisting of three members, of whom two were members of the Legislative Council, with the Hon'ble Justice Sir William Ayling, Officiating Chief Justice of the Madras High Court, as its president, was appointed by G. O. no. 481, dated 30th July 1921, to enquire into and report on the disturbances in the Peranbur division of the Madras City on or after the 29th June 1921, and the measures taken to restore order. The report of the committee justified the action taken by the police and the military and it was laid before the Council and the public for information.

(2) The Local Loans Fund Committee had seven members, of whom three were members of the Legislative Council (non-officials), and was appointed to investigate the constitution of a local loans fund by G. O. no. 1015, L. & M., dated 3rd June 1921.

(3) The Light Railways Committee, four out of eight members of which are members of the Legislative Council (non-official presidents of district boards), was appointed to consider and prepare a note for the use of district boards on the construction and management of light railways—G. O. no. 1414, L. & M., dated 16th August 1922. The committee's report is under the consideration of the Government.

(4) The Leather Industries Committee, with ten members of whom six are members of the Legislative Council (non-officials), was appointed by G. O. no. 148, Development, dated 25th January 1923. The committee has not yet reported.

(5) The Public Works Department Enquiry Committee. Eight members, of whom two are members of the Legislative Council (non-official), appointed by G. O. no. 375-W., dated 5th April 1923, to consider the present system of execution of works and accounting in the Public Works Department, and to make suggestions for simplifying and improving the same with a view to secure economy in construction as well as in establishment charges. The committee's report has been received and is being considered by the Government.

(6) Lastly may be mentioned the Educational Conferences assembled by the Hon'ble the Minister for Education (1) at Ootacamund on the 26th and 27th May 1923, consisting of eight members, of whom six were members of the Legislative Council (non-official), and (2) at Madras on the 11th June 1923. The resolutions passed by the conference are under the consideration of the Government.

23. *III. Committees appointed by Government to frame projects of legislation or assist in framing rules and orders.*—(1) The Land Revenue Settlement Bill Committee consisted of fifteen members, of whom seven were members of the Legislative Council (non-official) and the president was the Hon'ble the Revenue Member. The committee was appointed by the Government in April 1921 to make recommendations as to the lines on which a bill defining the principles of land revenue settlement should be drafted. The majority of the non-official members of the committee recommended a permanent settlement of the ryotwari tracts, but the committee, as a whole, objected to such a measure and drafted a bill following the existing settlement procedure, with the modification that the proposals for each settlement should be placed before the Legislative Council. The Government did not accept this recommendation which would make each scheme of settlement practically a taxation bill; and they put forward certain alternative suggestions for the consideration of the Government of India and the Secretary of State. The Government of India have now addressed this Government pointing out the inexpediency of legislating on the lines of a permanent settlement at the present moment, and also disapproving of the suggestion made by this Government as to an income-tax on land. They have asked this Government to reconsider the position in the light of their remarks.

(2) The Religious Endowments Act (Amendment) Bill Committee consisting of twelve members, of whom eight were members of the Legislative Council (non-official), was appointed by G. O. no. 2317, L. & M., dated 25th November 1921, to suggest amendments and alterations in the existing Act and to consider the principles on which a new bill should be drafted. The recommendations of the committee were taken into consideration before the bill was introduced into the Legislative Council [*vide* paragraph 41 (c) below].

(3) A Committee to draw up a set of draft rules under the Madras Village Panchayat Act, 1920. This consisted of eight members, of whom five were members of the Legislative Council (non-official). The chairman was Rao Bahadur C. V. S. Narasinha Raju, M.L.C. (non-official). It was appointed by

G. O. no. 2318, L. &. M., dated 25th November 1921. The draft rules drawn up by the committee were approved in G. O. no. 168, dated the 24th January 1922.

(4) A Committee to frame rules under the Madras State Aid to Industries Act, 1923. This committee consisting of ten members, of whom six were members of the Legislative Council (non-official), was appointed by G. O. no. 181, dated 2nd February 1923. The rules framed by the committee were approved by the Government and published in the Gazette.

(5) The Irrigation Bill Committee. This committee consisting of seventeen members, of whom twelve were members of the Legislative Council (non-official), was convened by Government in May 1923 to consider the terms upon which the Irrigation Bill which had been rejected by the Council in January 1923 should be redrafted. The committee sat for a week in May 1923. Its recommendations will be duly considered by the Government in the draft bill which it is intended to place shortly before the Legislative Council.

24. *IV. Committees appointed in persuance of resolutions or interpellations in the Legislative Council.*—(1) The most important committee to be described under this head is the Retrenchment Committee, with its subsidiary committees in different departments. By a resolution of the House, dated 16th September 1922, the Finance Committee was constituted a Retrenchment Committee, and it has been assisted in its work by subsidiary committees appointed by the different departments, *e.g.*, (*a*) The Judicial Retrenchment Committee consisting of four members, of whom two were members of the Legislative Council (non-official), appointed by G. O. no. 1505, Law (General), dated 6th June 1923, this committee has submitted a preliminary report, on part of which action has been taken by the Government. (*b*) The Survey and Settlement Retrenchment Committee consisting of twelve members, of whom six were members of the Legislative Council (non-official), appointed to advise on the cheapest system of survey and settlement. Certain specific questions were put before the committee and their opinion taken thereon. The Board of Revenue has been asked to submit proposals for giving effect to the decisions of the committee. (*c*) The Land Revenue Retrenchment Committee on which there are fourteen members, of whom ten are members of the Legislative Council (non-official), appointed to simplify the system of land revenue administration and to propose alterations in the volume and nature of the work entrusted to the district officers in the maintenance of statistical and revenue accounts. The committee has made certain interim proposals upon which the Board of Revenue has been asked to report. (*d*) The Medical and Public Health Retrenchment Committee with eight members, of whom two were members of the Legislative Council (non-official). The committee has reported and most of its recommendations have been given effect to. (*e*) The Veterinary and Agricultural Retrenchment Committee consisting of nine members, of whom five were members of the Legislative Council (non-official). It was appointed to review the whole expenditure in the two departments; action is being taken by the Government on the report of the committee. (*f*) The Police Retrenchment Committee with eight members, of whom three were Indians; two members from the Finance Committee were asked to assist this committee. It was appointed by G. O. no. 13, Judicial

dated 25th January 1923, and its report is under the consideration of the Government.

(2) The Committee for the Revision of Salaries of Non-Gazetted Officers appointed in pursuance of a resolution of the Council, dated 16th February 1921, and consisting of eight non-official members of the Legi lative Council. The committee sent in a report, dated 1st March 1921; its recommendation regarding the raising of the minimum pay of clerks has been given effect to at an additional cost of Rs. 3·50 lakhs.

(3) The Board of Revenue Reorganization Committee. Eleven members, of whom six were members of the Legislative Council (non-official), appointed in April 1921, with reference to a resolution in the Council, dated February 1921, to enquire into the feasibility of replacing the Board of Revenue by such alternative agencies as might be required in order to carry on the administration with economy and at the same time without loss of efficiency. The committee's recommendations as regards curtailment of the establishment have been given effect to and in pursuance of another of its recommendations, the post of Secretary, Settlement department, has been left unfilled.

(4) The Famine Code Revision Committee. Nine members, of whom three were members of the Legislative Council (non-official), appointed in August 1921, in pursuance of a resolution in the Council to revise the provisions of the Famine Code of 1914, after prompt and necessary enquiry regarding wages and allowances. The committee suggested various amendments to the Famine Code and orders have been passed accepting the recommendations in most cases—G. O. no. 978, dated 23rd June 1923.

(5) The Education Reorganization Committee. Thirty-two members, of whom twenty-one were non-official members, including several members of the Legislative Council; president, M. R. Ry. Diwan Bahadur R. Venkatratnam Nayudu Garu. The committee was appointed in pursuance of a resolution carried in the Legislative Council on 1st September 1921. The committee made numerous recommendations having an important bearing on secondary and intermediate education and its report was placed on the Editors' Table in February 1923. The report is under the consideration of the Government.

(6) A Committee to examine certain matters connected with the establishment of an Andhra University. Twenty-one members, mostly members of the Legislative Council, of whom the Director of Public Instruction was the only official. The decision to appoint such a committee arose out of a resolution moved in the Council by Mr. M. Suryanarayana Pantulu on the 2nd September 1921. The committee's report was placed on the Editors' Table in December 1922 and is under the consideration of the Government.

(7) A Committee on the School of Arts. Eleven members, of whom five were members of the Legislative Council (non-official), appointed in pursuance of a resolution in the Council, dated 2nd September 1921, to examine the whole question of the present working of the Madras School of Arts and to submit proposals as to the lines on which re-organization should proceed. The committee has submitted its report and orders have been passed in G.O. no. 250, dated 15th February 1923.

(8) A Committee on the Indigenous Systems of Medicine. Ten members, of whom four were members of the Legislative Council (non-official), appointed by G. O. no. 135, P. H., dated 17th October 1921, in pursuance of an undertaking given by the Minister for Local Self-Government on 10th February 1921, in answer to a question in the Council, dated 10th February 1921, and to a resolution moved in the Council on 21st February 1921. The chairman of the committee was a non-official member of the Legislative Council and yunani doctor, Khan Bahadur Muhammad Usman Sahib. The committee was asked to report on the question of the recognition and encouragement of indigenous systems of medicine. Its report has been reviewed by a special committee appointed by the Government. Both the report and the review are under the consideration of the Government.

(9) The Water-rate Committee. Eight members, of whom five are members of the Legislative Council (non-official), appointed by G. O. no. 324, Revenue, dated 20th February 1922 (in pursuance of an undertaking given by the Government in the Council in November 1921), to advise the Government on various matters connected with the levy of water-rate. The recommendations of the committee are under the consideration of the Government.

(10) A Committee on Industrial and Technical Education. Nineteen members, of whom nine were members of the Legislative Council (non-official), appointed by G. O. no. 528, Development, dated 8th April 1922, in pursuance of an undertaking given by the Government at the Legislative Council meeting dated 15th November 1921, in answer to a motion made on that date. The committee enquired into the present equipment of the Presidency in the matter of industrial and technical education and drew up a comprehensive scheme. The committee's report, which is of considerable size, was placed on the Editors' Table by G. O. no. 433, dated 6th April 1923, and is under examination by Government.

(11) A Committee on the Separation of Judicial and Executive Functions appointed by Government by G. O. no. 86, Judicial, dated 18th February 1923, in pursuance of a resolution in the Council, dated 22nd September 1922. This important committee consisting of fourteen members, of whom seven were members of the Legislative Council (non-official), has reported and its recommendations are under the consideration of the Government.

(12) The Srirangam Temple Committee. Five members, including one member of the Legislative Council (non-official), appointed with reference to a resolution in the Council passed on 26th February 1923, to examine the necessity for repairs to the temple at Srirangam from the points of view of safety, archæological interest and sanitary requirements. Owing to unavoidable circumstances the committee has not yet begun its sittings.

(13) A Committee to enquire into the Drainage and Irrigation of the Cauvery Delta appointed in pursuance of a resolution in the Council, dated 19th February 1921. Five members, of whom two are members of the Legislative Council (non-official). The committee has just transmitted its report which the Government will take into consideration.

(14) Three Forest Committees to consider and report on Forest Grievances in the districts of Coimbatore, Chittoor and Kurnool; appointed in pursuance of resolutions of the Council, dated respectively 2nd August 1921, 6th February and 26th February 1923. The members of the committees are mainly non-official members of the Legislative Council.

*Paragraph 3 (v) —continued—Council Secretaries.*

25. Three Council Secretaries under the Government of India Act were appointed by His Excellency the Governor in February 1921 and one such Secretary is assigned to each of the Ministers. Each of the three Council Secretaries is paid Rs. 500 per mensem in accordance with a vote of the House and enjoys the privileges and travelling allowances of a Government official so long as he is on duty and attached to his Minister, whether at headquarters or on tour. The three Council Secretaries first appointed were Messrs. E. Periyanayagam, M.L.C. (Indian Christian), A. Ramaswami Mudaliyar, M.L.C., and Dr. P. Subbarayan, M.L.C., and Bar.-at-Law. Dr. P. Subbarayan resigned after a short tenure of office and was succeeded by Mr. M. K. Shanmukham Chettiyar, M.L.C., who also resigned after a short time and was succeeded by the present incumbent, Mr. T. Thangavelu Pillai, M.L.C., Bar-at-Law.

26. As regards the practical working of the system of Council Secretaries, the Ministers are of opinion that since their institution in February 1921 they have proved of very considerable assistance in various ways. They have sat on select committees on bills introduced by the transferred side of the Government and both in this capacity and in the Council itself have helped materially towards the passage of various measures. They have also occasionally replied on behalf of the Ministers to resolutions and to motions on the budget. Owing to the fact that the heads of most of the transferred departments and the Secretaries to Government in those departments are not themselves members and cannot always be in attendance during the prolonged sittings of the Council, the Council Secretaries have proved of the greatest value in keeping the Ministers in touch with the opinions of different sections of the Council and in supplying them with such information as may be required in the course of a debate. In the constituencies they have been useful in interpreting the ministerial view both to members of the Council and to the electors and in keeping the Ministers in close touch with party opinion and feeling. The Council Secretaries have also been instrumental in securing the vote of the party on transferred subjects and on several occasions have been used for the same purpose on behalf of the reserved half of the Government. In fact it may be said generally that Council Secretaries have proved the utility of the institution and have contributed towards the smooth working of the Council.

*Paragraph 3 (vi). Relations between the Reformed Government and the Public Services.*

27. This branch of the subject, so far as the European services are concerned, is so large and so complicated that it is impossible to treat it fully within the limits of this report. It is an undoubted fact that there has been and still is, an appreciable amount of discontent and a considerable feeling of insecurity

among these services both as to the terms of their pay and pension and as to their general prospects. The feeling is partly due to the fact that in translating the spirit of the Reforms into practical action a considerable number of posts hitherto reserved or believed to be reserved for Europeans have been thrown open recently, and more are likely to be thrown open in the future, to Indians, as has been already done, to take typical instances, in the Educational and Agricultural services, while others have been abolished or threatened with abolition. A second cause is uncertainty as to how the constitution of India under the Reforms will develope in the future. A third arises out of the economic conditions which are a legacy of the war.

28. Speaking generally, the attitude of the services towards the Reforms has probably been very much the same in this Presidency as in the rest of India ; but the good points are perhaps more in evidence here than elsewhere. The relations between the Ministry and the heads of departments under their control have generally been cordial ; and the local Legislative Council, though naturally sympathetic towards Indian aspirations, has not been unreasonable in its attitude towards the British services. Individual members of the service have undoubtedly found it difficult to serve under the altered conditions ; but the great majority have accepted the change in a most loyal spirit and have done their best to make the Reforms a success. The best proof of harmony lies in the fact that, despite the enormous displacement of the centre of political gravity due to the Reforms, the departments have continued to be manned by the same individuals, as heads of departments or as Secretaries to Government, as before the Reforms. Naturally the efforts of these permanent officials have been generally directed towards maintaining continuity, but it is at the same time undeniable that greatly increased respect is now evinced by officials of all classes towards the decisions of the Council as well as towards the status of its members. Thus genial and cordial relations have been created between the chief representatives of the old and of the new régime which, considering the short time the Reforms have been in operation, may be described as extremely satisfactory. The difficulties of the task are not to be denied or under-rated ; and it has to be remembered that not only the officials but the people themselves have had to learn a new lesson. In many cases the latter have found it difficult to understand why the district officer, for instance, is not nearly so ready or so able to redress their grievances as he was in the days before the Reforms. That the centre of political gravity has been shifted is not quite so obvious to them as it is to those at the helm ; but this very fact—the silent operation of the Reforms, so far as the mass of the people are concerned—may be pointed to as an index of their success.

*Paragraph 3 (vii). General effect of the Reforms on the cost and efficiency of the administration.*

29. *Cost.*—The Reforms may be said to have affected the cost of the administration in six principal ways—

(1) At the outset of the Reforms the Madras Government were led to expect very large increase in the revenue available for expenditure, and preparations were made to use it accordingly. The organization of a separate Labour department to promote the advancement of the depressed classes, the extension

and development of the co-operative movement, the opening up and improvement of communications in the backward tracts of the Agency, larger grants to municipalities and local bodies for roads, water-supply and drainage works, extension of education in all its branches and development of industries may be mentioned as some of the many projects which called urgently for generous assistance. It is safe to say that inception would not have been given to many of these schemes, involving as they do large and increasing recurring expenditure, but for the anticipation of a large reduction of the contribution to Imperial funds.

(2) The Ministry are pledged to their constituencies to promote development in what are called the 'nation-building' departments and are under constant pressure by the Council to do so. To quote only a single department, the large increase in grants to the Madras University under the new Act, the very large grants for vocational education and the proposed large expansion in elementary education, are cases in point.

(3) The check of the Council on expenditure is less rigorous than that previously exercised by the Government of India. There can be little doubt that had the previous control of the Imperial Government continued to be exercised, the Madras Government would have been compelled to close each financial year with a balance and this would have been done at the expense of the departments which have been 'transferred', that is to say, of the most modern departments which are anxious to spend and spend largely on schemes of development. It is needless to add that in this Presidency there is a strong and universal feeling against the heavy contribution which has to be paid to the Government of India; and the Ministers look forward with hope to the early realization of the assurance of relief given by the Secretary of State in the course of his speech during the recent debate in the House of Commons.

(4) The Council itself has urged large expenditure in many directions and has directly promoted it in the case of the subordinate services and the village officers. It has proposed schemes such as the creation of an Andhra University, the grant of free meals throughout the Presidency to school children of the poorer classes and large increases in the number of medical schools and colleges. Large improvements in the pay of the subordinate services were carried out in accordance with the recommendations of a Salaries Committee of the New Council, while as regards the village establishment, Government had to increase the pay of the village headmen to more than double what it was before, thus throwing an additional burden on the finances of the province of about 20 lakhs a year. There can be no question that this increase would not have been made under a bureaucratic Government. Steady pressure for the increase of the pay of the village establishment had been resisted for years prior to the Reforms.

(5) On the other hand the Council has pressed continuously for economies at the expense of the superior services and their amenities. As examples may be mentioned resolutions advocating the abolition of the Board of Revenue, the Land Records department and the post of Commissioner of Labour, curtailment of salaries of all appointments on Rs. 500 and over, and reconsideration of the Government Order allowing increased rates of travelling allowance. The Council has also rejected repeatedly proposals for the construction

of very necessary residences for officials and has cut down the building programmes generally. In consequence of another agitation in the Council, dating from before the Reforms, considerable economy has been effected by the decision of the Government arrived at in 1921 to reduce the period spent by the Government on the bills from six to three months. A very much reduced establishment is now taken to Ootacamund for the shorter period, and the move now costs Rs. ·15 lakh as against Rs. ·58 lakh in pre-reform days.

(6) There has been a large increase of expenditure, not only in the office of the Council but also on the travelling allowance of members, while the travelling allowance of non-official members of district and taluk boards has crippled very seriously the resources of those bodies. The printing and stationery charges for the Legislative Council are very large. For printing and binding alone the figures rose from Rs. 2,803 in 1920-21 to Rs. 14,549 in 1921-22.

30. *Efficiency.*—As regards the question of efficiency, it is sufficient perhaps to state that the main change to be observed is that between a rigid adherence to a fixed policy and the constant formulation of new and progressive policies. The former is the more efficient so long as the policy is the right policy, but in its nature tends to be unprogressive. The latter is apt to be less efficient until the policy is established, but may result in changes which bring about economy as well as efficiency in the administration.

Another effect which is very noticeable in the post-reform era is the general unsettlement of the minds of the permanent officials. They have been brought up to carry out definite policies without questioning the underlying reasons for them. They have now seen the policy of every department pulled up by the roots and examined *ab initio* and they are uncertain what is to be taken as established policy and what is not. Meanwhile the revision of all salaries and allowances, as well as of the financial codes, has produced undoubtedly inequalities which did not exist before, has resulted in a general uncertainty as to officers' positions and has prompted a spirit of questioning of authority and demurring to rules and orders which will render administration difficult until the services settle down again to an established order.

It is too early to pronounce with any certainty on the general question of efficiency; but, taking into consideration the great changes effected by the Reforms and the fact that they are still in their initial stage and that difficulties have necessarily been encountered, it may be stated that the efficiency of the administration has been fairly well maintained.

*Paragraph 3 (viii). Reforms and Local Self-Government.*

31. It is difficult to arrive at a correct appreciation of the effect of the Reforms on Local Self-Government in this Presidency, because simultaneously with them the operation of the administration of the local bodies has been greatly affected by two factors. The first of these was the complete revision just before the Reforms of the old Local Boards Act and District Municipalities Act which was accompanied by legislation relating to village panchayats, elementary education and town-planning, as well as by a large increase in the number of local bodies and the removal of them from official control which also involved depriving them to some extent of the assistance of the revenue

and other staffs who had carried out a good deal of their work for them when the revenue officers were presidents. The second cause was the increase of prices which, while it rendered it necessary for them to increase their charges on account of establishment and otherwise, rendered Government unable to give them all they expected in the way of grants thus imposing a check on the new activities which they were anxious to pursue, and led to a state of affairs under which many of the local bodies have overdrawn their accounts at the treasury and close the year's working with considerable deficits.

32. There has certainly been an awakening of the civic consciousness of the people as a result of the Reforms and the policy of deofficialization, but it is too early yet to estimate results in the way of civic achievement.

33. There has been an unwillingness shown, which is not unnatural to elected bodies who have had new powers given them, to face the unpopularity of imposing new taxes or even to collect sufficiently strictly those which they imposed, or to enforce the law in dealing with appeals for remissions, but with better financial conditions, there is every hope that the policy of giving wider powers to local bodies will in the future be justified.

34. The political aspect of Local Self-Government is dealt with in a later paragraph under the heading of 'khilafat and non-co-operation'. For a short time and in certain quarters there was a tendency to introduce the doctrines of extremists politicians into local politics. But this was successfully combated by the Ministry and there is now little, if any, ground for complaint on that score.

## B.—The Legislature.

35. The work of the Legislative Council will be dealt with under the five heads suggested in the letter under reply, *viz.*,—

(i) Government Legislation.
(ii) Private Bills.
(iii) Financial Business.
(iv) Resolutions and Questions.
(v) Miscellaneous.

### *Paragraph 4 (i). Government Legislation.*

36. A considerable number of legislative proposals which the Government had on hand during the latter half of the decade preceding the introduction of the Reforms had to be held up on account of the war. During the two years following the end of the war, five of these measures were introduced into the pre-reform Council and were passed into law during the year 1920. These were—

(1) The District Municipalities Act, 1920.
(2) The Local Boards Act, 1920.
(3) The Village Panchayat Act, 1920.
(4) The Elementary Education Act, 1920.
(5) The Town-planning Act, 1920.

37. Although these Acts have had very important effects on the post-reform administration, it is unnecessary to refer to them in detail. Because

the passing of these measures belongs to the period anterior to the Reforms. Other projects of legislation, to be presently mentioned, had also been planned before the Reforms and though the reformed Council has had to deal with them in the different technical stages of legislation, they would in all likelihood have been proceeded with, whether there was a change of Government or not. These measures were—

(1) A Bill to amend the Madras Cattle Diseases Act, 1866 (Bill no. 3 of 1921). The object of the amendment was to give discretion to the keeper of a hospital pound in the matter of impounding animals suffering from infectious diseases, such as rinderpest. This bill was introduced on the 11th March 1921 and passed into law on 1st August 1921.

(2) The Madras City Tenants Protection Bill (Bill no. 6 of 1921). In many parts of the city of Madras dwelling houses or other buildings had been erected by tenants on land belonging to others, in the full expectation that, subject to payment of a fair ground-rent, they would be left in undisturbed possession, notwithstanding the absence of any contract as to the duration of the lease or as to the terms on which buildings should be erected. As, however, there had been attempts to evict a large number of such tenants, it was considered necessary to safeguard their interests by legislation. The bill provided for the payment, as compensation to the tenant in case of ejectment, of the value of any buildings which might have been erected by him or by his predecessors in interest. It also provided for the settlement of a fair rent at the instance of the landlord.

The bill was read for the first time on 3rd August 1921 and further considered on the 13th and the 15th of October 1921 and was passed into law on the 16th October 1921. On the 13th December 1921, a message was received from His Excellency the Governor suggesting an amendment to clause 12 of the bill as passed. The consideration of this amendment was adjourned to the 16th December 1921, on which date the House agreed to the amendment and report was accordingly made to His Excellency the Governor.

(3) The Prince of Arcot Endowments Bill (Bill no. 5 of 1921). This measure aimed at providing for the better management of the charitable and religious endowments under the control of the Prince of Arcot. The local Government, who had powers of supervision under a scheme of arbitration, sought to discharge that responsibility by legislative enactment. The bill was introduced on the 1st August 1921 ; the report of the select committee was presented on 13th November 1922, on which date the measure was passed into law.

(4) A Bill to amend the Port Trust Act, 1905 (Bill no. 9 of 1922). The bill was meant to provide for the carrying out of a number of minor alterations in the Madras Port Trust Act, rendered necessary (1) for purposes of administrative convenience, *e.g.*, the constitution of the board, the appointment of a chairman and regulations for the benefit of the staff ; (2) for the transfer to agents of steamer lines of certain services hitherto imposed by law on the board ; and (3) for the issue and conversion of documents of security which are necessary whenever the Port Trust issues a loan. The bill was read for

the first time on the 12th September 1922. It was further considered on the 13th and 14th September and on the 17th November 1922 on which date it was finally passed into law.

(5) A Bill to amend the law relating to Survey of Lands and Settlement of Boundary Disputes (Bill no. 2 of 1911). The main object of the bill was to make the decision of a survey officer as to boundary conclusive, unless it was challenged in a civil court, and to bring the law into accord with modern requirements, so as to cover the survey of estates or other similar areas, re-surveys, maintenance and the like. This bill was introduced into the Council on the 14th February 1921 ; but its further consideration was postponed, according to the wish of the majority of the Council, till 1st August 1921, when it was read for the first time. The report of the select committee was presented in November 1922 and the bill was passed into law on the 30th January 1923.

38. Among other important legislative measures conceived before the Reforms, have to be prominently mentioned the two following which, however, for reasons to be presently stated have not yet been introduced into the Council :—(*a*) the Madras Irrigation Bill and (*b*) the Estates Land Bill.

(*a*) The Madras Irrigation Bill (Bill no. 13 of 1922). The Government had for many years felt the necessity to define clearly the position of the State in respect of irrigation and to introduce an enactment with a view to enable the State to regulate irrigation in the interests of the general community and to secure control over the waters of rivers, streams, etc. The bill, to introduce which an unsuccessful attempt was made by the Government in January 1923, was the result of reiterated draftsmanship, dating from the year 1856. Having been given up in 1861 and again in 1882, the project of legislation was revived in 1898 and again after the publication of the report of the Irrigation Commission in 1909. It was ready for the Legislative Council in 1914, when the war supervened and further progress had to be deferred. After the conclusion of the war the bill was revised again to clear the doubts and difficulties created by recent judicial decisions, particularly by the Privy Council decision in the Urlam case (I. L. R., 40 Mad., 886), and advantage was also taken of this revision to make the bill a comprehensive measure by including in it provisions relating to water-rate and to the allied subjects of *mamul* wet, *kudimaramat* (contribution of labour by ryots according to custom), and irrigation panchayats. On 29th January 1923 the then Law Member, the late Sir K. Srinivasa Ayyangar, moved that the bill be read for the first time. The motion was lost after a heated debate, 57 votes being recorded against, 19 for, and 10 being neutral. It may be noticed in this connexion that the special committee [paragraph 23 (5)] was unanimously of opinion that some legislation for the purpose of conferring on the Government the power to regulate irrigation is absolutely necessary.

(*b*) The Estates Land Act (Amendment) Bill, which is intended to amend the Madras Estates Land Act, 1908, is another measure dating from the period before the Reforms. The project was first considered by an informal committee consisting of a few members of the then Legislative Council and certain representatives of the zamindari classes. The committee was presided over by the late

Sir K. Srinivasa Ayyangar and the bill thus prepared was referred to a special committee of the Cabinet. It is now lying over to be taken up in the session following the formation of the new Legislative Council.

39. The next category of legislative measures to be mentioned is that properly belonging to the period of the reformed Government, inasmuch as they are measures conceived since the year 1921 and more or less directly as a consequence of the Reforms. Three of these measures may be mentioned first, both on account of their priority in time and on account of the fact that they are mutually related as measures dealing with non-co-operation, a danger which seriously threatened law and order at the end of the year 1921 and which urgently demanded the enactment of special measures for the purpose of combating it. These measures were—

(1) A Bill to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920 (Bill no. 10 of 1921). It was considered necessary that all municipal councillors and members of local boards should be required to make an oath or affirmation of their allegiance to the Crown, as the Government had received definite information that several councillors and members were not prepared to give this guarantee of their loyalty. The bill was read for the first time and passed through the several subsequent stages, including its final passing into law, on the 16th December 1921. On the same day His Excellency the Governor addressed an important speech in person to the members of the Legislative Council, referring to the recent attempts of non-co-operators to subvert law and order in the Presidency, and appealing to all loyal citizens to support the Government in their efforts to secure obedience to the constitution of the country.

(2) A Bill to amend the Madras Revenue Recovery Act II of 1864 (Bill no. 1 of 1922). The provisions of the Revenue Recovery Act of 1864 were found inadequate in the face the difficulties caused by passive resistance activities ; and the procedure prescribed for the distraint and sale of properties, and to meet a default in the payment of tax, was found in such cases to be unnecessarily lengthy. The bill aimed at shortening the procedure between attachment and sale in these abnormal cases. The bill was read for the first time on the 14th February and was further considered and passed into law on the 16th February 1922.

(3) A Bill to amend the Madras Proprietary Estates Village Service Act, 1894, and the Hereditary Village Officers Act, 1895 (Bill no. 5 of 1922). In certain parts of the Presidency an organised attempt was being made by village officers to prevent the collection of the Government revenue by declining or refusing to do their duties or by suddenly resigning their office. They relied, however, on their hereditary right to secure their offices and emoluments for one member or another of their families. The bill empowered the Government to take steps with a view to preventing such resignations and derelictions of duty. The bill was read for the first time on the 18th December 1922 ; and after report by the select committee was passed into law on the 16th March 1923.

40. The taxation measures of the reformed Government may next be referred to. They were necessitated partly by the reduction in revenue due to non co-operation and partly by the increase of salaries to village officers

for which the Council had agitated. Of four such measures, two, namely, (1) a Bill to amend the Court Fees Act and (2) a Bill to amend the Stamp Act, were passed by the Council, and the other two were rejected on the motion for their 1st reading. The details of these measures are as follows: —

(*a*) A Bill to amend the Madras Court Fees Act, 1870 (Bill no. 6 of 1922). This financial measure was passed in exercise of the power vested in the local legislature to amend any Act of the Imperial legislature in order to meet the requirements of the provinces. The bill was read for the first time on the 17th February 1922 ; and after report by the select committee was further considered and passed on the 15th March 1922. On the 24th March 1922 a message was received from His Excellency the Governor drawing attention to a certain drafting omission which was thereupon rectified by the Council; and report was made accordingly to His Excellency the Governor.

(*b*) A Bill to amend the Indian Stamp Act, 1899, in its application to the Presidency of Madras. This financial measure was also passed in the exercise of the power vested in the local legislature to amend any Act of the Imperial legislature in order to meet the requirements of the province. The bill was read for the first time on the 17th February 1922 and the report of the select committee was considered and the measure was passed into law on the 15th March 1922.

(*c*) A Bill to amend the Madras Proprietary Estates Village Services Act 1894 (Bill no. 3 of 1922). This bill was essentially a financial measure and was designed to meet the extra cost involved in the revision of the pay of the village establishments in proprietary areas. The motion that the bill be read for the first time was made on 17th February 1922 by the Hon'ble the Revenue Member, Mr. (now Sir) Muhammad Habib-ul-lah. There was a warm debate on that and the next day with the result that the motion was lost by thirteen against fifty three votes on 18th February 1922.

(*d*) A Bill for the levy of a Cess in Ryotwari Villages towards the Remuneration of Village Officers and for other purposes connected with the discharge of their duty (Bill no. 4 of 1922). This also was a financial measure designed to find funds to meet the extra cost entailed by the revision of the pay of village headmen. This measure was the counterpart of the foregoing bill and, like it, was intended to raise funds by means of a special cess for the purpose of revising and increasing to the pay of village headmen. The motion that the bill be read for the first time was made by the same Honourable Member on behalf of the Government on 18th February 1922 and after a debate was lost by twelve against fifty-four votes on the same date.

41. The next group of legislative measures, though relegated to this place by the chronological order of events, comprises three memorable landmarks left by the Ministers. Each of these measures was initiated and piloted through the House by one of them, the State Aid to Industries Bill by the Hon'ble Mr. (now Sir) K. Venkatareddi Nayudu, the Madras University Reorganization Bill by the Hon'ble Rao Bahadur A. P. Patro, and the Hindu Religious Endowments Bill by the Hon'ble the Raja of Panagal. The following statement presents a more detailed account of these measures :—

(*a*) A Bill to regulate State Aid to Industries (Bill no. 8 of 1922). This measure was designed to encourage new and nascent industries suitable to and not

hitherto established in, this province and to assist cottage and other small industrialists to build up business, and to this end to afford State assistance to industrial enterprises in this Presidency, partly by direct financial aid and partly by providing, on favourable terms, raw materials such as firewood, water, etc., being the property of Government. The bill was read for the first time on the 14th November 1922; the report of the select committee was presented on the 19th December 19 2, and the measure was passed into law on the 20th December 1922. This Act has received the assent of His Excellency the Governor and His Excellency the Viceroy and has been brought into force.

(*b*) A Bill to provide for the Reorganization of the Madras University (Bill no. 10 of 1922). The University of Madras had been till recently an affiliating University, whose main function was to conduct examinations and grant degrees. The main objects of the measure were (*a*) to bring the University into closer contact with the colleges, (*b*) to enable it to take a greater and more active part in organizing the teaching given to its students, and (*c*) to create an academic atmosphere and a feeling of corporate unity among the institutions by which it is for certain purposes held to be constituted. The motion that the bill be read for the first time was made in the Council on the 14th November 1922 and carried after three days' debate on the 16th November. The report of the select committee was presented on the 22nd December 1922 and further considered from the 30th January to 5th February 1923, on which date it was passed into law. The Act has since received the assent of His Excellency the Governor and His Excellency the Viceroy and has been brought into force.

(*c*) The Madras Religious Endowments Bill (Bill no. 12 of 1922). The Government of India Act XX of 1863 was found inadequate to ensure the efficient administration of Hindu Religious Endowments in this Presidency, and there had been widespread dissatisfaction with the management and control of religious institutions falling under sections 3 and 4 of this Act. It was considered preferable to repeal the Act of 1863 altogether so far as this Presidency was concerned, and to enact a self-contained measure to deal with the whole subject of religious endowments. The following features of the bill may be specially mentioned: (*a*) constitution of a special board of control; (*b*) provisions for regularly constituted committees to supervise and control religious endowments, to settle *dittams*, etc. and (*c*) provisions for the diversion of surplus funds by applying the *cyprè* doctrine. The motion that the bill be read for the first time was made on the 18th December 1922 and carried after two days' debate on the 19th December. The report of the select committee was presented on the 22nd March 1923 and further considered from the 26th to 29th March and on the 2nd and 3rd April 1923. On the last-mentioned date the measure was passed into law. The bill has been transmitted for the assent of His Excellency the Governor which has not been received up to date. The bill was carried in the Council by a large majority. The question whether it is to be reserved under the provisions of the Government of India Act is under consideration.

42. In addition to the important measures above-mentioned, the following bills on miscellaneous matters also engaged the attention of the Council during the period under review :—

(1) The Deputy President's Salary Bill (Bill no. 1 of 1921). This was intended to provide for the salary of the Deputy President which has to be

determined by an Act of the legislature under section 72-C of the Government of India Act. It was passed into law on the 14th February 1921.

(2) A Bill to amend the District Municipalities Act, 1920 (Bill No 7 of 1920). Section 366 of the Madras District Municipalities Act, 1920, required that one-third of the number of elected seats on a municipal council, as reconstituted under that Act, shall be vacated on 1st November 1922, and the remainder on 1st November 1923. Owing to the time taken in the preparation of the electoral rolls and for the holding of the elections under the Act, the period for which elected councillors could be in office was rendered unduly short. The amending bill extended the term of office of councillors by one year in each case. It was passed into law on the 3rd September 1921.

(3) A Bill to amend the Madras City Municipal Act, 1919 (Bill No. 2 of 1922). The amending bill (*i*) removed a defect in the original Act under which companies whose paid-up capital was exactly one, two, three, five, ten, or twenty lakhs escaped taxation; (*ii*) enhanced the rate of tax on motor vehicles plying for hire in the city; and (*ii*) empowered the Commissioner of the Madras Corporation and the Government to incur certain ordinary charges. It was passed into law on the 14th March 1922.

(4) The Malabar Completion of Trials Bill, 1922 (Bill No. 11 of 1922). This measure was designed to continue the enhanced powers conferred by ordinance on certain first-class magistrates to deal with the large number of offenders implicated in the Malabar rebellion during 1921-22, on the cessation of the special courts constituted under the Malabar (Restoration of Order) Ordinance, 1922. It was passed into law on the 12th December 1922.

(5) A Bill further to amend the Madras City Municipalities Act, 1919 (Bill No. 14 of 1922). This measure was deemed necessary to do away with the statutory prohibition in the case of the Commissioner, Revenue Officer, Health Officer and Engineer of the Madras Corporation, to take up any honorary or paid work not connected with their office. It was passed into law on the 20th December 1922.

(6) and (7) A Bill to amend the Madras District Municipalities Act, 1920, and a Bill to amend the Madras Local Boards Act, 1920. The main object of these bills is to remedy certain defects which experience with the actual working of the original Acts has brought to light in the matter of consititution, taxation and levy of tolls and the undertaking of remunerative enterprises. Both bills were read for the first time on the 6th February 1923, but no further progress was made by the existing Council.

*Paragraph* 4 (*i*)—*continued—Salient points in regard to Government Legislation.*

43. While the Council has rendered full assistance to the Executive in all measures intended to preserve the peace and order of the country it is noteworthy that three important lagislative measures [paragraphs 38 (*a*) and 40 (*c*) and (*d*) *supra*] proposed by the Government were opposed by a majority in the Council and rejected on the very threshold. Of these two were measures intended to secure additional revenue to cover additional expenditure proposed

by the Council itself on the pay of village officers ; the particular proposition of the Government to find the money by reimposing the village-cess on ryotwari and zamindari lands was thrown out by the Council, which, however, was at the same time prepared to pass and did eventually pass, other financial measues, such as those meant to enhance certain fees and certain stamp duties in the Presidency [paragraph 40 (*a*) and (*b*)]. A like fate was shared at the beginning of the year 1923 by an Irrigation Bill which was stoutly and successfully opposed by practically all the representatives of the landholding interests, both great and small, in the Council. Steps have however recently been taken by the Government—*vide* paragraph 23 (5) *supra*—to ascertain the wishes of the chief representatives of public opinion in regard to the Irrigation Bill and it is probable that it will be reintroduced at no distant date.

44. With the above exceptions the Council has received favourably all the Government measures placed before it. There were no measures passed during the period under review which involved racial considerations, while the Religious Endowments Bill was the only measure directed towards social reform. Two important Acts—one bearing on education and designed to reform and reorganize the Madras University, and the other intended for the protection of, and the regulation of State Aid to, Industries,—both of which have been passed into law, deserve special mention, both on account of the prolonged and thorough discussion to which they were subjected in the Council and on account of the likelihood of their having far-reaching effects in the intellectual and industrial advancement of the Presidency. In two cases bills passed by the Council were returned by His Excellency the Governor for the purpose of incorporating in them certain drafting amendments which were suggested and which were eventually adopted by the Council [paragraphs 37 (2) and 40 (*a*) *supra*]. There have been no cases so far of the certification or reservation of bills or of the withholding of assent, or of the resort to regulations, or other extraordinary legislative powers during the period under review. Six ordinances were promulgated by His Excellency the Viceroy in connexion with the Mappilla rebellion.

### *Paragraph 4 (ii). Private Bills.*

45. Private bills have not played any conspicuous part in the proceedings of the reformed Council. Private bills in the sense in which they are understood in England practically do not exist in this country, as all bills passed by the legislature are what would be called public bills in the language of the British Parliament. As in England, however, non-official members of the Council are always at liberty to bring in public bills and of such there have been a few instances during the last three years.

46. For instance, leave was given by the Council for the introduction of three non-official bills—one to amend the City Municipal Act, 1919, and two to amend the Madras Municipalities Act, 1920. In the case of the bill to amend the City Municipal Act, the object was to do away with the compulsory prepayment of increased assessment before presenting a petition for the revision

of the assessment. Leave to introduce the bill was granted to Mr. Usman Sahib, M.L.C., on the 1st April 1921 ; the bill was read for the first time on the 1st August 1921 and passed into law on 13th October 1921. Two bills to amend the District Municipalities Act were aimed respectively at raising the rate of toll levied on every cart, whether laden or unladen, and at extending to three years the period during which an elected chairman should hold office. The former bill, of which the author was Mr. P. Siva, Rao, M.L.C., was brought before the Council on 1st August 1921 for leave to introduce, was read for the first time on 13th October 1921 and was passed into law on 15th October 1921. The second bill, in respect of which Mr. T. A. Ramalingam Chettiyar obtained leave to introduce on 1st September 1921, was read for the first time on 14th October 1921 and passed into law on 13th December 1921.

47. Leave to introduce was not granted in the case of the following non-official member's bills. On 16th November 1922 Mr. T. M. Narasimhacharlu sought leave to introduce a bill to amend the Madras Elementary Education Act, so as to provide for the proper representation of local authorities on educational councils, but the Council refused leave. On 12th September 1922 Mr. K. Gopalakrishnayya made a motion for leave to introduce a Bill to amend the Local Boards Act, 1920, in a matter of minor detail and likewise a similar motion for leave to amend the District Municipalities Act, 1920 ; both motions were withdrawn by the member on the advice of the Minister for local Self-Government. In September 1922 Mr. M. Suryanarayana, after giving notice of a motion for leave to introduce a Bill to amend the District Municipalities Act, 1920, also on a point of detail, refrained from making any motion to this effect. No objects or reasons were stated on this occasion.

48. Certain other bills of which notice was given by the non-official members concerned were not brought on the agenda at all owing to the operation of the ballot standing order—see paragraph 64 below. These were (*a*) a Local Option Bill of which notice had been given by the leader of the opposition, and (*b*) a Malabar Tenancy Bill of which notice had been given by two non-official members. These notices will no doubt be renewed in the next Council.

*Paragraph 4 (iii). Financial Business.*

49. Three successive budgets, those for the years 1921-22, 1922-23 and 1923-24, have been so far presented to the Council, to be dealt with in accordance with the extended powers of voting or revising supplies granted by the Government of India Act. The course of the budget discussion provided by the rules and standing orders is as follows. The budget is presented to the Council by the Finance Member on a date previously notified, which is usually a late date in February or an early day in March. When the budget has been in the hands of members for two or three days, a further period of three days is allowed for a general discussion during which the majority of non-official members make speeches of fifteen minutes' maximum duration apiece, to which the other Members of the Government, followed by the Finance Member's reply at the close of the third day. During the three days following the general discussion members are at liberty to send in notices of motion for omitting or curtailing either particular items, or totals, of expenditure, in any part of

the budget which is subject to the vote of the Council. After the lapse of six further days the various Members of the Cabinet, who are responsible for the demands in the budget, present their demands in order and these are voted on by the Council, subject to restriction of time as to the maximum period allowed for the discussion of particular demands. The discussion of the several motions for the omission or reduction of grants continues for nine or ten days (maximum twelve days), and the consideration of the budget is brought to an end towards the close of the financial year.

50. The following statement shows the number of budget motions received, admitted and discussed in each of the three years under review :—

| Budget motions. | 1920-21. | 1921-22. | 1922-23. | Total. |
|---|---|---|---|---|
| Received .. .. .. | 540 | 840 | 1,050 | 2,430 |
| Admitted .. .. .. | 343 | 794 | 1,005 | 2,142 |
| Discussed .. .. .. | 276 | 174 | 203 | 653 |

51. The bulk of the motions were aimed in the beginning at cutting out slices, more or less considerable, from the Government demands rather than at critising definite features of the Government policy, which is the main trend of a budget discussion in the House of Commons. The absence of an organized opposition, as well as the lack of means of official communication between the whips on either side, was probably responsible for the haphazard way in which the budget was attacked at the commencement. In subsequent years, however, the members began to evince some grasp of the principles of budgetary criticism and a measure of progress from particular to general scheme of attack is noticeable in the more recent budget debates. There have been few occasions on which the Government have had to restore grants rejected by the Council. Three cases are on record—

(1) the restoration, on a certificate by His Excellency the Governor, of a demand of Rs. 2·16 lakhs for the Russellkonda Saw Mill (Budget 1921-22);

(2) the restoration, on a similar certificate, of a demand of Rs. 9,840 on account of the Chief Inspector of Factories included in Demand XXV, Rs. 9·59 lakhs (Budget 1923-24); and

(3) the restoration, on a similar certificate, of a demand of Rs. 5 lakhs, for expenditure in the Agency Tracts, included in Demand XXXIV 33·6 lakhs (Budget 1923-24).

52. A statement showing the reductions in budget grants made by the Council for each of the three years 1921-22, 1922-23 and 1923-24, and the further grants applied for by Government in each year is furnished below :—

Table showing, under reserved and transferred subjects, respectively, the reductions that have been made in the budget by the vote of

the Council and the restorations that have been effected by the certificate of His Excellency the Governor.

| Head of account. | Budget, 1921-22. | | Budget, 1922-23. | | Budget, 1923-24. | |
|---|---|---|---|---|---|---|
| | Reserved. | Transferred. | Reserved. | Transferred. | Reserved. | Transferred. |
| | Lakhs | Lakhs. | Lakhs. | Lakhs. | Lakhs. | Lakhs. |
| 5. Land Revenue .. .. | 5·15 | .. | 5·00 | .. | ·28 | .. |
| 6. Excise* .. .. | .. | ·50 | .. | ·30 | .. | .. |
| 8. Forest .. .. | 2·16† | .. | 1·06 | .. | 1·00 | .. |
| 9. Registration .. .. | .. | .. | .. | ·03 | .. | .. |
| 22. General Administration .. | ·18 | .. | .. | .. | ·64 | .. |
| 24. Administration of Justice | ·43 | .. | 1·11 | .. | ·20 | .. |
| 25. Jails and Convict Settlements. | .. | .. | 2·00 | .. | ·50 | .. |
| 26. Police .. .. | .. | .. | 1·00 | .. | .. | .. |
| 34. Agriculture .. .. | .. | .. | .. | ·02 | .. | .. |
| 37. Miscellaneous Departments | 1·00 | .. | ·21 | .. | ·10† | .. |
| 41. Civil Works .. .. | .. | 4·75 | .. | ·13 | .. | 1·3 |
| 47. Miscellaneous .. .. | .. | .. | ·20 | .. | .. | .. |
| Agency Division .. .. | .. | .. | .. | .. | 5·00† | .. |
| Loans and Advances by the Provincial Government. | .. | .. | 12·0 | .. | .. | .. |
| Total .. | 8·92 | 5·25 | 22.58 | ·48 | 7·72 | 1·35 |
| | 14·17 | | 23·06 | | 9·07 | |

*The Provincial demand for Excise represents two-thirds of the charges of the joint Salt and Excise Department.

†These reductions were restored by the Local Government on certificates by His Excellency the Governor under section 72-D of the Government of India Act.

53. Towards the close of the voting of grants by the Council, it has been the practice for the Government to move additional demands to meet the expenditure necessitated by the following among other reasons :—

(*a*) Provision has to be made for the pay or the allowances due for March and payable in April, in respect of appointments which have been abolished, or the allowances which have been cut out, as a result of the voting of grants by the Council.

(*b*) Provision has to be made for urgent new items of expenditure which might have to be incurred between April and August when the House would not be sitting and which could not be foreseen at the time the budget was presented to the Council.

The total sums voted by the Council as additional demands in the three years under review were as follows: —

| | Lakhs. |
|---|---|
| 1921-22 .. .. .. .. .. .. | 17·95 |
| 1922-23 .. .. .. .. .. .. | 31·23 |
| 1923-24 .. .. .. .. .. .. | 10·58 |

*Paragraph 4 (iv). Resolutions and Questions.*

54. The reformed Council in this Presidency has been very active in making interpellations and motions on matters of general public interest, ordinarily called resolutions. Both privileges no doubt existed under the Minto-Morley Reforms, but the fact that they can be much more effectively used in the reformed Council which contains a greater number of representatives of the people, has materially tended to increase the importance of this branch of legislative business, which entails in consequence far more work than before on the Executive Government.

55. In the following table an attempt is made to analyse the 3,000 odd questions asked in the Council during the period under review, to distinguish the proportion of those admitted and answered and those disallowed, and also to show at a glance the various reasons for disallowance :—

*Questions for the three years* 1920-21, 1921-22 *and* 1922-23.

| | |
|---|---|
| Total number received .. .. .. .. .. | 3,302 |
| Do. admitted and answered .. .. .. | 2,924 |
| Do. disallowed .. .. .. .. | 253 |
| Lapsed .. .. .. .. .. .. | 125 |
| Supplemental questions .. .. .. .. | 444 |

*Grounds of disallowance.*

| | Total number. |
|---|---|
| (1) Disallowed as being in the nature of suggestions for action and not of requests for information .. .. .. | 137 |
| (2) Argumentative .. .. .. .. .. | 3 |
| (3) Questions relating to matters which are not primarily the concern of the local Government .. .. .. | 36 |
| (4) Questions containing statements for the accuracy of which the interpellator was not prepared to vouch, especially citations from newspapers .. .. .. | 5 |
| (5) Questions which were disallowed as being hypothetical and not relating to matters of fact .. .. .. | 4 |
| (6) Questions bearing on matters under adjudication by a court of law or justice .. .. .. .. | 2 |
| (7) Questions not relating to any of the branches of the administration for which the Government Member or Minister interpellated was responsible .. .. | 20 |
| (8) Question not within the special cognizance of any Member of the Government .. .. .. .. .. | 12 |
| (9) Questions not bearing on matters of public concern .. | 10 |
| (10) Questions relating to Native States .. .. .. | 6 |
| (11) Abstract legal question .. .. .. .. | 1 |
| (12) Questions of excessive length .. .. .. .. | 4 |
| (13) Questions relating to matters of hardship to individuals and not involving any principle of administration .. | 6 |
| (14) Questions which merely asked for an expression of opinion | 6 |
| (15) Questions anticipatin budget motions .. .. | 1 |
| Total .. | 253 |

56. It may be noted that questions are seldom disallowed in the Madras Council without giving the interpellators an opportunity of amending them in conformity with the rules and standing orders. The most common ground of disallowance is that a question, instead of asking for information, suggests to the Government a line of action which it would be impossible to concede or discuss without first consulting local officers or the wishes of the Council as a whole. Another, though less frequent, ground of disallowance is that a question relates to a matter which is primarily the concern not of the local Government, but of the Government of India or of a body, like a railway company or an electrical corporation, which is not under the official control of the Government. Where a question offends by reason of excessive length, an endeavour is first of all made to induce the interpellator to shorten it, and the small number of questions (4) disallowed on this ground represents the residue after carrying on more or less prolonged correspondence with the members concerned.

57. It would be difficult to single out typical questions from among the great variety of those asked at every meeting of the Council (except perhaps to mention that 255 questions were asked in the three years under review about communal representation in the public service) ; nor would it serve any purpose to catalogue those instances where the asking of a question has led to definite action on the part of the Government, because such action is an ordinary and necessary incident of the administration. It is obvious that where further action is promised in the answer to a question and there is no subsequent evidence of action having been taken, the interpellator will probably return to the charge by means either of a renewed interpellation or of a notice of a resolution. The number of occasions on which the members have taken action in either of these ways has been few compared with those on which the Government willingly and promptly took the promised action. The comparatively small number (444) of supplemental questions asked during the three years also shows that members have on the whole been satisfied with the answers first given.

58. Oral questions are seldom asked in the Madras Council unless the public or their representatives in the Council desire immediate information upon a recent event of importance ; such questions were asked, with the concurrence of the Members of the Government concerned, and were answered by them, during the progress of the Malabar Rebellion and the Rampa fituri, and on the occurrence of famine or of floods.

59. Practically all questions admitted are answered by the Government, although the normal period of seven days allowed by the standing orders has been frequently exceeded in cases where the complicated nature of the information demanded, or the necessity of making local inquiries, warranted delay. It will be seen from the statement given at the beginning of this section that only 125 admitted questions lapsed by reason of their being still under the consideration of departments of the Government at the time of a prorogation of the Council.

*Resolutions or motions on matters of general public interest.*

60. Of 115 days occupied by sittings of the reformed Council since its inauguration in January 1921, the major portion of 39 days was devoted to the

discussion of motions of general public interest,exclusive of budget motions, which, as mentioned in paragraph 49 supra, regularly occupy nine or ten days in every year.

61. The following statement shows at a glance the number of notices of resolutions received during the first three sessions of the reformed Council, the numbers admitted and disallowed (with the grounds of disallowance), and the number disposed of by the Council. The balance undisposed of, 350, is partly due to notices of motions lapsing by prorogation, and partly to the dropping out of certain motions by reason of their being identical with others disposed of. Several lapses of notices of resolutions were no doubt also due to the system of ballot hitherto in force—see paragraph 64 infra. This defect has since been remedied by an amendment of the standing orders.

*Notices of resolutions received during the three years 1920-21, 1921-22 and 1922-23.*

| | |
|---|---|
| Total number received .. .. .. .. .. | 906 |
| Admitted .. .. .. .. .. .. | 788 |
| Total number disallowed .. .. .. .. .. | 118 |
| Do. disposed of in Council .. .. .. | 438 |

*Grounds of disallowance.*

| | Total number. |
|---|---|
| (1) As not being primarily the concern of the local Government .. | 76 |
| (2) As not containing a specific recommendation to the Government .. .. .. .. .. .. | 3 |
| (3) As not raising a definite issue. .. .. .. .. | 3 |
| (4) As not being a matter of general public interest .. .. | 4 |
| (5) As a matter concerning His Excellency the Governor and not a Member of the local Government .. .. .. | 1 |
| (6) As detrimental to public interests .. .. .. | 2 |
| (7) As not being the concern of the Council .. .. .. | 1 |
| (8) As interfering in matters of executive control .. .. | 3 |
| (9) As relating to the appropriation of funds and therefore requiring the recommendation of His Excellency the Governor .. .. .. .. .. .. | 4 |
| (10) As having been discussed within one year previous .. | 18 |
| (11) As relating to the administration of a Prince under His Majesty's suzerainty .. .. .. .. .. | 1 |
| (12) For want of notice .. .. .. .. .. | |
| (13) As not falling within the category of motions on matters of general public interest .. .. .. .. | 1 |
| Total .. | 118 |

62. The most interesting resolutions are no doubt those which have been carried, either with the concurrence of the Government or despite their opposition. The Government regularly place on the table at the commencement of each session a list of resolutions carried by the Council during the previous session, together with a statement of the action taken by them upon

each, or of the reasons which have precluded the taking of any action. The following is the list for the three years :—

*Statement of resolutions passed by the Madras Legislative Council and the action taken thereon by the Government.*

## I.—FIRST YEAR.

*(8th January to 2nd April 1921.)*

| Serial number and subject of resolution. (1) | When passed by the Council. (2) | Nature of the action taken by Government. (3) |
|---|---|---|
| 1. Postponement of the adoption of resettlement proposals till the principles of land revenue settlement are embodied in legislation. | 15th February 1921. | The Government agreed to expedite the Land Revenue Settlement Bill with a view to passing it by July 1922 and in this hope also agreed that no orders on settlement schemes would be passed before the bill passed into law. The Council having however since declared for permanent settlement (*vide* second year, No. 33 below), renewed correspondence with the Government of India has become necessary and in the meanwhile the Government cannot delay the progress of settlement any longer, since to do so would be to sacrifice the public revenues to a considerable extent. |
| 2. Appointment of a committee for the revision of salaries of non-gazetted services. | 16th February 1921. | Committee appointed—G. O. No. 148, Financial, dated 17th February 1921—*vide* paragraph 24 (2) *supra*, for the action taken by the Government. |
| 3. Relief of rural areas from scarcity in drinking water-supply—Ganjam district. | 17th February 1921. | A provincial grant of Rs. 20,000 was sanctioned to the district board for sinking wells—G. O. No. 278, P. H., dated 22nd March 1921. |
| 4. Half-fees for Muhammadan students in aided schools and colleges. | 18th February 1921. | Necessary amendments to the Grant-in-Aid Code and the Madras Educational Rules have been notified—G. O. No. 1405, Education, dated 20th September 1921. |
| 5. Appointment of a committee to inquire into the drainage and irrigation in the Cauvery delta. | 19th February 1921. | Committee appointed—*vide* G.O. No. 177-I., dated 9th June 1921, paragraph 24 (13) *supra*. |
| 6. Waiving of recovery of contributions from local bodies for the maintenance of headquarter hospitals. | Do. .. | The recommendation has been given effect to—G. O. No. 493, Finance, dated 11th May 1921. |
| 7. Encouragement of the indigenous systems of medicine. | 21st February 1921. | A committee has been appointed to report on the subject—G. O. No. 964, P.H., dated 17th October 1921; paragraph 24 (8) *supra*. |
| 8. Revision of Agency rules .. .. | 5th March 1921 .. | The revised rules are under consideration. |
| 9. Postponement of the bifurcation of the Kistna district and redistribution of the districts of Ganjam, Vizagapatam, Godavari and Kistna. | Do. .. | The Government have called for proposals for the redistribution of the districts of Ganjam, Vizagapatam, Godavari and Kistna. |
| 10. Racial distinctions among railway passengers. | Do. .. | A copy of the proceedings on the subject was forwarded to the Railway Board for necessary action. A note of the action taken with regard to retiring rooms has been published in G. O. No. 56-Ry., dated 23rd July 1921. |
| 11. Appointment of a committee to consider the question of the abolition of the Board of Revenue. | 17th March 1921 | Committee appointed and its recommendations given effect to—*vide* paragraph 24 (3) *supra*. |
| 12. Enfranchisement of women .. | 1st April 1921 .. | Necessary regulation framed under the Madras Electoral Rules—G. O. No. 108, Legislative, dated 10th May 1921 |
| 13. Provincial contribution to the Central Government. | Do. .. | The Government of India and the Secretary of State have been addressed. |
| 14. Recruitment to judicial offices from the bar and communal representation therein. | 2nd April 1921 .. | The observations made in the debate will be borne in mind as vacancies arise. |

## II.—SECOND YEAR.

### (*1st August 1921 to 27th March 1922.*)

| Serial number and subject of resolution. (1) | When passed by the Council. (2) | Nature of the action taken by Government. (3) |
|---|---|---|
| 1. Reduction of the strength of the Executive Council. | 1st August 1921 | The proceedings were forwarded to the Government of India for transmission to the Secretary of State. |
| 2. Appointment of a committee to revise the Famine Code. | Do. .. | A committee was appointed—G. O. No. 1962, Revenue, dated 31st August 1921, paragraph 24 (4) *supra*. |
| 3. Ownership of river poramboke lands in Malabar. | Do. .. | The matter was not, as pointed out by the Government in the course of the debate, properly one for executive action, but was a matter for the parties interested to establish their rights, if any, in a Court of Law. |
| 4. Addition of a statement to the administration report of the Forest Department showing the extent of each class of reserved forest, district war. | 2nd August 1921 | A statement in the form desired has been incorporated in the administration report —G.O. No. 1934, Development, dated 14th October 1921. |
| 5. Appointment of a committee to inquire into forest grievances in the Coimbatore district. | Do. .. | A committee was appointed for the Coimbatore district — G. O. No. 1856, Development, dated 4th October 1921 : paragraph 24 (14) *supra*. |
| 6. Disafforestation of forests lying within one mile of occupied area in villages. | Do. .. | The Government have announced that they are ready to institute inquiries in any individual cases of hardship that may be brought to notice—G. Os. No. 1933, Development, dated 14th October 1921 and No. 30, Development, dated 6th January 1922. |
| 7. Disafforestation of class V forests in the Chittoor district. | Do. .. | After discussion with the Advisory Committee on Forest administration the Government decided that the adoption of the recommendation would be detrimental to the public interests—G.Os. No. 1932, Development, dated 14th October 1921 and No. 31, Development, dated 6th January 1922. |
| 8. Improvement of grazing grounds by providing drinking water facilities. | Do. .. | The question is under examination and orders will issue shortly. |
| 9. Reduction of seigniorage rates for forest produce in Godavari district. | Do. .. | The Collector of the district has been directed to reduce the rates if in any respect he thinks there is cause for doing so—G.Os. No. 2084, dated 7th November 1921 and No. 2185, dated 24th November 1921. |
| 10. Committee to consider the improvement of excise administration. | 3rd August 1921 | An Advisory Committee of the Council was appointed. It has advised that no separate committee is called for—G. O. No. 2642, Revenue, dated 2nd December 1921 ; paragraph 21 (2) *supra*. |
| 11. Dr. Gour's Civil Marriage Bill .. | Do. .. | A copy of the report of the debate was forwarded to the Government of India. |
| 12. Exemption of members of the Legislative Council from restrictions under the Indian Arms Act. | 4th August 1921 | A copy of the resolution with a report of the debate was forwarded to the Government of India. |
| 13. Revocation of G. O. No. 163, Finance, dated 18th February 1921, regarding the rates of travelling allowances. | 5th August 1921 | The Government were unable to give effect to the resolution for reasons given in G. O. No. 1170, Finance, dated 30th November 1921, but have since carried out a complete revision of the rates in consultation with the Finance Committee. |
| 14. Communal representation in the public services. | Do. .. | Instructions were issued in G. Os. No. 613, Public, dated 16th September 1921, and No. 658, Public, dated 15th August 1922. |

## II.—SECOND YEAR—*contd.*

### *(1st August 1921 to 27th March 1922)*—contd.

| Serial number and subject of resolution. | When passed by the Council. | Nature of the action taken by Government. |
|---|---|---|
| (1) | (2) | (3) |
| 15. Communal representation in the Secretariat. | 5th August 1921 | Names of suitable non-Brahman candidates have been obtained and are considered as vacancies arise. |
| 16. Increase of pay to village headmen .. | 6th August 1921 | Orders have issued in G. O. No. 1482, Revenue, dated 15th August 1922. |
| 17. Appointment of a committee to suggest reforms in secondary and intermediate education. | 1st September 1921. | A committee has been appointed—G. O. No. 1557, Education, dated 25th October 1921 —*vide* paragraph 24 (5) *supra* for the action taken by the Government. |
| 18. Admission of maximum number of students in colleges. | Do. .. | Orders have issued—*vide* G. Os. No. 694, Law (Education), dated 6th June 1922, and No. 713, Law (Education), dated 10th June 1922. |
| 19. Raising the status of the Government Islamia School, Trichinopoly. | Do. .. | The question has been deferred pending the permanent transfer to the Government of the site and buildings. |
| 20. Appointment of a committee to reorganize the School of Arts. | 2nd September 1921. | A committee was appointed in G. O. No. 1881, Development, dated 6th October 1921. The Government have issued orders on the committee's report; paragraph 21 (.) *supra*. |
| 21. Grant of Takkavi loan—Resolution recommending — (i) that the loans granted in famine-affected areas should be free of interest; (ii) that the repayment of the first instalment should be postponed to January 1922; and (iii) that a portion of the principal up to one-half of the aggregate sum advanced should be remitted according to the circumstances of the debtors. | 3rd September 1921. | The Board of Revenue has submitted a report on the financial loss involved in proposals (i) and (ii) and the Government have decided to proceed under the rules in the Takkavi Manual which are sufficiently elastic to meet hard cases. As regards proposal (iii), the Collectors concerned have been directed to submit half-yearly reports and recommendations. |
| 22. Opening of telegraph offices at Pulivendla, Rayachoti and Badvel. | Do. .. | The Postmaster-General has been asked to take action. |
| 23. Use of the term Achari for members of the Viswakarma Community. | 14th October 1921 | Orders were issued in G. O. No. 1955, Law (General), dated 19th November 1921, in accordance with the undertaking given in the Council. |
| 24. Provincial contribution to Central Government. | 15th October 1921 | A deputation waited on His Excellency the Viceroy in February 1922 to represent the case of this province. |
| 25. Action taken by Government on the resolutions passed by the Legislative Council during each session. | Do. .. | Orders have issued in the sense desired—G. O. No. 264, Law (Legislative), dated 22nd November 1921. |
| 26. Uniformity of text-books for schools under public management and other aided schools. | 15th October 1921 | Requisite amendments to the Madras Educational Rules notified in G. O. No. 123 Law (Education), dated 30th January 1922. |
| 27. Ceylon quarantine restrictions .. | Do. .. | A copy of the report of the debate was forwarded to the Ceylon Government with whom the question is still under discussion. |
| 28. Appointment of a special officer to compile information regarding Presidency establishment on a communal basis. | Do. .. | Orders regarding the compilation of the information desired have issued in G. O. No. 658, Public, dated 15th August 1922. |
| 29. Modification of rules relating to the levy of penalty for default in payment of income-tax. | 16th November 1921. | A copy of the report of the debate was forwarded to the Government of India for consideration when rules under the new Income-tax Act were framed. |

## II.—SECOND YEAR—*contd.*

### (*1st August 1921 to 27th March 1922*)—contd.

| Serial number and subject of resolution. (1) | When passed by the Council. (2) | Nature of the action taken by Government. (3) |
|---|---|---|
| 30. Curtailment of salaries of appointments on Rs. 500 and above. | 17th November 1921. | The Council was informed of the reasons why effect could not be given to the resolution—*vide* paragraph 16 of the Hon'ble the Finance Member's speech, dated the 4th March 1922, made when presenting the budget for 1922-23. The question is now under examination by the Retrenchment Committee. |
| 31. Placing on the Council table orders creating new appointments on Rs. 500 and above. | 13th December 1921. | Orders have issued in the sense desired—G. O. No. 42, Finance, dated 11th January 1922. |
| 32. Location of the court of Special Deputy Collector, Chandragiri. | Do. .. | The court has since been abolished. |
| 33. Introduction of permanent settlement of land revenue in the ryotwari holdings of the Presidency. | 14th December 1921. | The Government of India have been addressed in the matter. |
| 34. Honorifics for Oriya names .. | 15th December 1921. | Orders were issued in G. O. No. 430, Law (General), dated 17th February 1922. |
| 35. Issue of a vernacular manual of laws for the common people. | 19th December 1922. | Action could not be taken owing to financial stringency. |
| 36. Repeal of orders regarding collection of punitive tax from the people of Kamudi and neighbouring villages (Ramnad district). | 21st January 1922 | The collection of the punitive tax has been discontinued and the force has been retained as part of the general strength of the district. |
| 37. Changing of the name of Panchama or Paraiya into Adi-Dravida. | 22nd January 1922 | Orders were issued in G. O. No. 817, Law (General), dated 25th March 1922, in accordance with the undertaking given in the Council. |

## III.—THIRD YEAR.

### (*August 1922 to April 1923.*)

| Serial number and subject of resolution. (1) | When passed by the Council (2) | Nature of the action taken by Government. (3) |
|---|---|---|
| 1. Reduction of the price of each of the proceedings of the Council to two annas. | 13th September 1922. | Price reduced—G. O. No. 242, Law (Legislative), dated the 25th October 1922. |
| 2. The British Empire Exhibition .. | 14th September 1922. | All arrangements connected with the Exhibition have been entrusted to a general committee which has in its turn appointed an Executive Committee with the Director of Industries as Chairman. On this committee's advice the proposal to hold a local exhibition has been abandoned. Arrangements for participation in the British Empire Exhibition are in progress. The Legislative Council has since voted 4½ lakhs for the purpose. |
| 3. Withdrawal of the powers of the Agency Commissioner to deport individuals. | Do. .. | Accepted by Government. Draft bill on the subject is pending the repeal of the State Prisoners' Regulation by the Central legislature. The abolition of the post of Agency Commissioner is under consideration. |
| 4. Appointment of Indians as Conservators of Forests, Deputy Inspector-General of Police and Members of the Board of Revenue. | Do. .. | Resolution recorded by Government, pending the occurrence of vacancies which will give an opportunity of giving effect to it. |

## III—THIRD YEAR—*contd.*

### (*August 1922 to April 1923*)—contd.

| Serial number and subject of resolution. | When passed by by Council. | Nature of the action taken by Government |
|---|---|---|
| (1) | (2) | (3) |
| 5. Increase in the number of certified public Auditors. | 14th September 1922. | A press communiqué has been issued explaining why effect could not be given to the resolution—G. O. No. 410, Law, dated 5th February 1923. |
| 6. Construction of the Palghat-Manantoddy railway. | 15th September 1922. | The preliminary survey of the Shoranur-Manantoddy line having been completed the Railway Board sanctioned a detailed survey of the Shoranur-Nilambur section and have also accorded permission to land being notified for acquisition. The survey has recently been completed. The Government have under consideration the question of financing the project and are taking steps towards the early construction of the line. |
| 7. Appointment of a Retrenchment Committee. | 16th September 1922. | Orders have been issued in G. O. No. 796, Finance, dated 22nd September 1922 paragraph 24 (1) *supra*. |
| 8. Postponement of resettlement proposals in respect of Anantapur and Bellary districts. | Do. | Resolution as amended was accepted by Government. Instructions issued accordingly. |
| 9. Separation of judicial and executive functions. | 22nd September 1922. | A special committee under the presidency of Mr. F. A. Coleridge, I.C.S., was appointed to consider the question. The committee has submitted a report which is now under the consideration of the Government; paragraph 24 (11) *supra*. |
| 10. Appointment of a committee in each district to investigate the grievances of ryots in respect of forest reserves lying within a mile of the village-site or of the cultivated area of a village. | 6th February 1923. | Committee appointed for Chittoor district as a test case. Orders were issued in G. O. No. 742, Development, dated 23rd May 1923: paragraph 24 (14) *supra*. |
| 11. Appointment of a committee to examine forest grievances in the Kurnool district. | 26th February 1923 | Committee appointed for the Kurnool district. Orders were issued in G. O. No. 435, Development, dated 23rd March 1923, which has been placed on the Edito.s' Table. paragraph 24 (14) *supra*. |
| 12. Addition of a section to the Presidency Administration Report relating to members of the depressed classes in Government service. | Do. | Motion was withdrawn by the mover but the suggestion has been accepted by the Government. The question of giving effect to it is under reference to the Accountant-General. |
| 13. Repairs to the Srirangam temple .. | Do. | Action will be taken after personal inspection by the committee appointed—*vide* paragraph 24 (12) *supra*. |

63. An analysis of the foregoing list of resolutions passed by the Council will probably reveal the want of a clear distinction between policy and administrative practice in the minds of the Council politicians, especially of those who have been in, or associated with, the Government service, and who, since their assumption of the role of members of the Legislative Council, have shown a tendency to interfere in administrative detail when they might have better

confined themselves to examining questions of policy. As regards the effect of these tendencies, reference may be made on the one hand to the committees which have re-examined policy *ab initio* in almost every department—*vide* paragraphs 18 to 24 *supra*—and on the other to the resolutions of the Council suggesting interference in quite minor matters of administrative detail. On the whole it might be said that the Government have disarmed many suspicions by placing all their cards upon the table, and that generally speaking the result has been an increased amount of co-operation in all branches of the administration.

64. *Ballot for resolutions.*—Although standing order 5 (2) provides that the relative precedence of notices of bills and resolutions given by non-official members shall be determined by ballot, the Council was content, until September 1921, to take up the motions in the order arranged by the Secretary. In September 1921, however, on the representation of the then leader of the House, Sir Lionel Davidson, the system of ballot for resolutions was first introduced; this was extended to bills on 20th January 1923, both bills and resolutions contending together in one ballot. The low place obtained by bills on this system—one result of which was that notices of two bills of importance given by non-official members (a Malabar Tenancy Bill and a Local Option Bill) never came on the agenda at all, but lapsed by prorogation—led to steps being taken to amend the standing orders; and it is now provided by virtue of these amendments, (1) that non-official members' bills and notices of resolutions should be ballotted for separately, (2) that the priority determined by a ballot should hold good for thirty days only and that after thirty days a fresh ballot should be held, at which notices previously ballotted for but not already moved in the Council may compete for priority (3) that only fifteen notices of resolutions arranged in order of priority should be placed on the agenda paper on each day available for this class of business and (4) that all non-official members' bills should be dealt with by the Council in the ballot order before any motions on matters of general public interest are taken up. These changes will relieve to a considerable extent the congestion of business, not only in the Council, but also in the several departments of Government which hitherto have had to work up cases on hundreds of resolutions that have never come up for disposal.

*Paragraph 4 (v). Miscellaneous.*

65. Under this heading fall (*a*) motions for the adjournment of business on matters of urgent public importance, (*b*) motions not falling under any of the recognized categories of motions, (*c*) motions relating to the amendment of standing orders and (*d*) the extent to which the nomination of experts has been resorted to in the Council.

(*a*) The following is a list of motions for the adjournment of the business of the House for debates on matters of urgent public importance. Such debates, unless disallowed by the Governor under rule 22 (2), take place between 4 and 6-30 P.M. on the day on which any such motion is made, provided the leave of the House has been obtained.

MOTIONS FOR ADJOURNMENT OF DEBATE.

| *Subject.* | *Reference to Council Proceedings.* | *Result.* |
|---|---|---|
| (1) Arrest of the non-co-operator Yaqub Hasan. | Vol. I, pages 340—342 and 392 to 412. | Talked out. |
| (2) Shooting in Madras of persons concerned in labour riots. | Vol. II, pages 629—630. | Motion disallowed by His Excellency the Governor. |
| (3) Disturbances caused by labour troubles. | Vol. III, pages 962 and 1005—1032. | Talked out. |
| (4) Train tragedy resulting in the death from asphyxiation of 70 Mappilla prisoners. | Vol. IV, pages 1655—1656 and 1699—1725. | Talked out. |
| (5) Extension of Criminal Law (Amendment) Act of 1908. | Vol. IV, page 1795. | Leave of the House not granted. |
| (6) British Premier's speech referring to the position and prospects of the Indian Civil Service. | Vol. VIII, page 65. | Motion disallowed by His Excellency the Governor. |
| (7) Provincial contribution to the Central Government. | Vol. VIII, pages 389—90 and 431—435. | Motion put and carried. |

(*b*) Occasionally and quite exceptionally, the President has granted leave for the discussion of a motion on a matter of public interest not involving a definite recommendation to the Local Government. Of this class of motions were (1) a motion by Mr. T. A. Ramalinga Chettiyar on the provincial contributions to the Central revenues, 15th October 1921; and (2) a motion by the same member to thank Mr. Montagu for his public services, 15th March 1922.

(*c*) Several important amendments to the standing orders have been carried out from time to time with the object of (1) relieving the congestion of business, to which end the procedure for ballotting for non-official members' bills and notices of motions was revised, as stated in paragraph 64 above; and time limits of ten minutes in the case of speeches on resolutions and fifteen minutes in the case of speeches during an adjournment debate (subject to exceptions in favour of the first speech of the mover and of the Government Member answering him) were introduced into standing orders 23 (2) and 57; likewise, the provision already mentioned in paragraph 49 *supra* about sending in notices of budget motions was introduced into standing order 53; (2) giving opportunity to a member who has given notice of a question or a resolution to amend the same; standing orders 13 and 55; (3) forming a House Committee; standing order 80; (4) giving the President discretion to delegate his powers under the standing orders to the Deputy President.

(*d*) Advantage was taken of section 72-A (2), proviso (*b*), of the Government of India Act to nominate certain experts as additional members of the Council to help in the discussion of important measures in respect of which such assistance was necessary. These were—

(i) The bills described in paragraphs 39 (2) and (3) and 40 (*c*) and (*d*) *supra*—Two Members of the Board of Revenue were appointed expert members in connexion with these Bills.

(ii) The State Aid to Industries Bill described in paragraph 41 (*a*) *supra*.

(ii) The Madras University Bill described in paragraph 41 (*b*) *supra*.

(iv) A Bill to amend the Madras Port Trust Act, 1905, described in paragraph 37 (4) *supra*.

(v) The Hindu Religious Endowments Bill described in paragraph 41 (*c*) *supra*.

(vi) Two Bills to amend the District Municipalities and Local Boards Acts, 1920, described in paragraph 42 (6) and (7) *supra*.

The gentlemen who took part in the discussion of these measures as experts rendered much valuable assistance in that capacity.

*Paragraph 5 (a). The extent to which the Council represents, and re-acts on public opinion.*

66. Broadly speaking, the Council is composed of two main parties—the non-Brahman, or ministerial party, including non-Brahman Hindus, Muhammadans and Christians, and the 'Opposition,' which consists almost entirely of Brahmans. This division in the Council reproduces the partition of public opinion in almost every district of the Presidency. It may therefore be said that the Council does represent public opinion and it would also be probably true to say that it does a good deal to create it. There is of course a third party which has no avowed representation in the Council and which must be taken to represent the views of a certain section of the people, and that is the Congress party. At the last elections no non-Brahman candidate stood as the representative of this party and only a few Brahmans openly professed adherence to the Congress creed. The few who persisted in this profession and nevertheless entered the Council, notably Mr. S. Srinivasa Ayyangar, C.I.E., referred to in paragraph 74 below as the first leader of the opposition, subsequently refrained from participating in its proceedings. The rest were content to remain in the Council as moderates; but the actual working of the Council has shown that the difference between the view of the opposition and those avowed by the Congress party has been more imaginary than real; and their attitude towards many political questions, such as the treatment in jail of persons convicted of offences connected with political agitation, the course of the Mappilla rebellion and the causes of its outbreak, the agitation against the payment of taxes in Guntur and obstructive policy adopted by certain municipalities in the same district, went to show that for all practical purposes they shared the Congress policy and sentiments. As regards the extent to which the Congress party really does represent, or has represented, public opinion, it is true that at the time of the elections and during the first year of the Council the non-co-operation movement had a very considerable number of adherents, but with the arrest and imprisonment of Gandhi and the subsequent fiascos of the Congress it has lost the greater part of any influence it may have exerted on the public mind.

*Paragraph 5 (b). How far and by what means relations have been maintained between members of the Council and their constituencies.*

67. So far as the ministerial party is concerned, the relations between the members of the Council and the constituencies have been more or less closely preserved by the organization of a series of non-Brahman conferences. Such conferences have been held in most of the districts of the Presidency and have been attended either by the recognized party leader, Sir P. Tyagaraya Chettiyar or by one or more of the Ministers. Confederations of the non-Brahman party of the entire Presidency have also been held annually at Madras and have been largely attended by all the important representatives from the mufassal. At these meetings resolutions have been passed appreciating the work done in the Council and focussing the future policy of the party. The Ministers, especially in 1921, and in the earlier months of 1922, when the non-co-operation movement was at its height, toured extensively in the districts and did much to expose the dangers of the movement and to demonstrate the possibility of a whole-hearted working of the Reforms. Other members of the Council belonging to the party in power also visited their constituencies at frequent intervals and addressed them on the work of the Council and on the programme of the ministerial party.

Individual members of the opposition party have pursued similar tactics, but in their case there has been nothing like the same organization.

*Paragraph 5 (c). The formation of political groups or parties within the Council and how far these coincide with, or traverse, purely communal lines of cleavage.*

68. As mentioned above in paragraph 66 *supra*, it is to a considerable extent true that political parties in the Madras Presidency are divided according to caste or community and that the political line of cleavage generally coincides with the communal, with a few individual exceptions on either side. It would, however, be a mistake to suppose that the division is purely communal and regardless of political principles. If the two contending parties were to be described in political parlance, and excluding the few individuals who hold extreme views postulating the absolute disconnection of this country with England, they might be called respectively progressives and ultra-radicals. Though the latter may be, to a certain extent, re-actionary where questions of social and religious freedom are concerned, the ultimate goal of both parties is really identical, namely, the attainment of self-government for India on colonial lines. This is in fact the published creed of the South Indian Liberal Federation, the main Presidency organization of the non-Brahman party. But the difference lies in the pace at which this goal is to be attained; and in consequence the methods of the two parties differ widely in practice and give rise to a number of points on which there are acute differences of opinion owing to the difference in the angle of vision.

*Paragraph 5 (d). The constitution of what may be broadly called conventions of procedure as between the legislature and the Executive Government or the Governor, e.g., the grounds for the disallowance of resolutions and questions; the appointment of Commissions and committees and the scope of their inquiries; and within the Councils themselves, the institution of a parliamentary practice and tradition.*

69. In laying down the conventions of procedure which lie outside the Act, rules and standing orders, but which rank next after these in value and importance and in regulating the relations between the Council and the Government, the lead is naturally taken by the President of the Council, as well as by the Governor, as the head of both the Council and the dyarchic Government. In the speeches addressed by His Excellency the Governor to the Council and in the rulings of the President from the chair a steady, if gradual, approach has been made towards the establishment of such conventions on a lasting basis. To illustrate this aspect of the matter and also to show how far the attempt to engraft parliamentary practice on the Council has been successful, a list of the principal rulings of the President during the last three sessions is included in the appendix. How far the policy of the Government can be made the subject of discussion when voting grants, whether the non-votable items in the budget can be discussed at all by the Council while criticizing the Government policy, whether the Government have an indefeasible right of reply after closure has been moved, what documents the Government should place on the table before using them in debates, how far the Council is at liberty to refer to the two halves of the Government in any discussion of the Government policy, these and many other points touching the relations between the Council and the local Government have formed the subject of rulings from the chair. In disallowing questions and resolutions, certain conventions are observed, by which the Government are enabled to bring to the notice of the President or of the Governor any defects or irregularities in the notices given by the members. How far the Government have a voice in the composition of committees of the House properly so called, and how far they have proceeded in the constitution of standing and other advisory committees, composed largely of members of the House, has been already mentioned in paragraphs 18 to 24 *supra*.

70. The growth within the Council of a body of precedents reproducing as far as possible parliamentary tradition and procedure is a matter which has steadily received attention, as will be evident from the numerous rulings of the President. To bring about a more rapid growth of such traditions, the Government with the concurrence of the Council, sent the Secretary to the Council on a prolonged deputation last year to study parliamentary procedure in the House of Commons, and the President himself was on a visit to the House of Commons during part of the period; and since their return much has been done to assimilate the practice of the Council to the best traditions of the British Parliament. The facts that English is the prevailing language of the Council, that practically all speeches during the last three years have been delivered in that language, and that a substantial proportion of members are gentlemen who are familiar by firsthand knowledge with parlimentary institutions in the United Kingdom have helped a good deal

to the same end. The Government have during the last two years recommended and obtained substantial grants to enable the President to form a good reference library for the use of members, and it is evident that the nucleus of a library thus formed is already popular. One of the indications of a parliamentary atmosphere in the Council is the gradual growth of a healthy opposition. The terms 'the opposition benches', 'the leader of the opposition', etc., are in constant use in the Madras Council and are beginning to be well understood.

71. In this connexion it may be worth while to refer to an observation frequently made by official as well as by casual visitors to the Council, that the level of debate in the Madras Council is of a high order, notwithstanding the unfamiliarity to several members of parliamentary institutions and to a few of the English language. Exuberant eloquence is held within the bounds imposed by reason and public convenience by the strict enforcements of time limits, which no one will perhaps regret. On the whole the members may be said to have accustomed themselves gradually to the restrictions required by parliamentary decorum, no less than to the assertion of parliamentary rights and privileges. In particular it is gratifying to note that the number of occasions on which members lapsed into unparliamentary language have been exceedingly few.

*Paragraph 5 (e)- The institution, whether on the part of the Government or of parties within the Council, of any form of party organization, the issue of whips, etc.*

72. As has been pointed out in paragraph 66 above, there is a fairly well defined ministerial party in the Council. Until recently no formal whips were issued. The practice was, before a meeting of the Council, to hold an informal gathering of the members of the party and discuss the agenda of the coming session and the attitude which it was proposed to take towards various questions. In this way concerted action was more or less guaranteed; but the procedure was found to be not altogether satisfactory, as the conference had to be held at the eleventh hour and hardly gave the Ministers sufficient apportunity to ascertain the opinion of their party, and they were compelled to rely a good deal on chance consultations with individual members between the sessions. At the beginning of 1923 it was therefore decided to elect a small committee of the ministerial party which could be consulted in emergencies when it was impossible to convene a larger gathering. This committee consists of the party leader and the three Ministers *ex officio* and eight elected representatives of the party. It also co-opts two of its member to act as non-official whips. It is somewhat early to express an opinion on the practical working of the system. Owing to the lack hitherto of party organization and of communications between opposing whips, the only means by which any particular business could secure priority over other items of the agenda has been by the fiat of the President or the unanimous wish of the Council. For the rest, the general rule is for the order in which resolutions are proposed to be determined by ballot. So far as the opposition are concerned, the Government are not in a position to supply details of thier organization within the Council; and so far as the Members of Council are concerned

they have contented themselves with informal consultations with the ministerial party on certain Government measures and a certain amount of 'lobbying' with individual members of both parties on important resolutions or questions.

*Paragraph 5 (f). Prominent party leaders, their policies and adherents.*

73. In the ministerial party the most important personalities are the leader, Sir P. Tyagaraya Chettiyar, and the Ministers themselves. Their policy has already been described as the attainment of self-government for India on colonial lines by gradual means and the avoidance of any cataclysmal changes which might retard rather than advance progress. An essential part of their creed has been the development of Indian nationality with the help of, and in close union with Great Britain, and a whole-hearted working of the Reforms. Their adherents are, generally speaking, the non-Brahman communities all over the Presidency and the non-Brahman members of the Council.

74. When the Council was first formed in January 1921 there was no recognized leader of the opposition. Spontaneously the lead, whenever an expression of the views or the co-operation of the opposition was called for in response to general usage, was taken by Mr. S. Srinivasa Ayangar, C.I.E., late Advocate General, and when he cut himself adrift by adopting the principles of non-co-operation, the mantle of leader of the opposition as spontaneously fell on Diwan Bahadur Mr. Ramachandra Rao, whose position in the pre-reform Council, combined with his extensive knowledge of English politics, eminently qualified him for leadership. He has since associated with himself other prominent politicians of the Presidency, like Diwan Bahadur L. A. Govindaraghva Ayyar, Rao Bahadur A. S. Krishna Rao, Mr. C. V. Venkataramana Ayangar, Rao Bahadur C. V. Narasimha Razu and others, who now occupy either the front opposition bench or that immediately behind it. Mr. Narasimha Razu is a non-Brahman by caste, but by his own desire he has ranged himself with the opposition. Certain other non-Brahman politicians like Messrs. T. Sivasankaran and Ranganatha Mudaliyar have taken up a position entirely independent of either party. It will thus be seen that the organization of an opposition is proceeding on lines of its own in the Madras Council, and that those lines are not exactly communal.

## C—The Constituencies and the Public.

*Paragraph 6 (i). The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye-elections to the total number of voters on the register.*

5. The following statements give the information required for the elections held in 1920. It has not been possible to give exact figures for the total population comprised in certain constituencies, groups 50 to 61, but it may be presumed from the nature of the cases that the populations in those constituencies (*e.g.*, Madras Planters, Madras University graduates, Nagarattar's Association, etc.), are identical with the numbers of voters. On the whole 3 per cent. of the total population (including females and children)

possessed a vote for the general elections and 24·9 per cent. of the registered voters went to the poll. In the elections to be held this year women also will be entitled to vote:—

## I.—*Non-Muhammadan Urban.*

| Constituency. (1) | Population. (2) | Number of voters. (3) | Percentage. (4) | Number that polled. (5) | Percentages. (6) | Number of seats. (7) |
|---|---|---|---|---|---|---|
| 1. Madras City .. | 429,612 | 16,553 | 3·9 | 8,700 | 52 | 4 |
| 2. Madura City .. | 121,264 | 6,583 | 5·5 | 3,110 | 48 | 1 |
| 3. Trichinopoly and Srirangam. | 111,319 | 4,507 | 4·1 | 1,961 | 43·5 | 1 |
| 4. Cocanada City .. | 49,232 | 1,287 | 2·1 | .. | .. | 1 |
| 5. Vizagapatam City. | 40,311 | 992 | 2·4 | 717 | 72 | 1 |
| 6. Tinnevelly *cum* Palamcottah. | 75,353 | 3,156 | 4·2 | 2,258 | 71 | 1 |

## *Non-Muhammadan Rural.*

| | | | | | | |
|---|---|---|---|---|---|---|
| 7. Anantapur .. | 685,987 | 23,199 | 2·6 | 10,588 | 45·6 | 2 |
| 8. North Arcot .. | 1,901,230 | 58,686 | 3·05 | 7,747 | 13 | 3 |
| 9. South Arcot .. | 2,187,370 | 58,970 | 2·7 | 13,782 | 23 | 3 |
| 10. Bellary .. | 771,439 | 27,676 | 3·5 | 14,087 | 50·09 | 2 |
| 11. Chingleput .. | 1,427,071 | 43,426 | 3·4 | 22,872 | 52·6 | 2 |
| 12. Chittoor .. | 1,197,365 | 39,897 | 3·3 | 11,522 | 29 | 2 |
| 13. Coimbatore .. | 2,145,506 | 57,075 | 2·6 | 13,257 | 23 | 3 |
| 14. Cuddapah .. | 755,765 | 25,156 | 3·3 | 9,293 | 37 | 2 |
| 15. Ganjam .. | 1,828,422 | 65,761 | 3·6 | 14,975 | 22·7 | 3 |
| 16. Godaveri .. | 1,384,081 | 44,281 | 3·2 | 9,950 | 22 | 2 |
| 17. Guntur .. | 1,525,346 | 83,014 | 5·4 | 9,594 | 11·5 | 3 |
| 18. South Kanara .. | 989,254 | 21,139 | 2·1 | 4,360 | 20·6 | 2 |
| 19. Kistna .. .. | 1,967,474 | 87,669 | 4·1 | 12,214 | 13·9 | 4 |
| 20. Kurnool .. | 738,694 | 27,665 | 3·7 | 12,110 | 43·7 | 2 |
| 21. Madura (district) | 1,741,595 | 65,489 | 3·7 | 9,956 | 15 | 3 |
| 22. Malabar and Anjengo. | 2,041,676 | 26,901 | 1·3 | 15,906 | 59 | 2 |
| 23. Nellore .. | 1,243,875 | 51,795 | 4·1 | 8,688 | 16·7 | 2 |
| 24. Ramnad .. | 1,520,579 | 46,689 | 3·07 | 12,584 | 26·9 | 2 |
| 25. Salem .. .. | 2,049,484 | 59,323 | 2·4 | 9,811 | 16·5 | 2 |
| 26. Tanjore .. | 2,106,054 | 54,733 | 2·5 | 14,279 | 26 | 3 |
| 27. Tinnevelly district. | 1,524,632 | 44,110 | 2·9 | 10,614 | 24 | 2 |
| 28. Trichinopoly .. | 1,635,861 | 45,445 | 2·8 | 7,286 | 16 | 2 |
| 29. Vizagapatam .. | 2,166,247 | 70,628 | 3·2 | 12,846 | 18·2 | 2 |
| 30. The Nilgiris .. | 99,577 | 1,291 | 1·2 | 1,059 | 82 | 1 |

## *Non-Muhammadan Urban.*

| | | | | | |
|---|---|---|---|---|---|
| 31. Madras City .. | 53,163 | 2,839 | 5·3 | .. | .. |
| 32. Madura and Trichinopoly *cum* Srirangam. | 25,784 | 1,197 | 4·6 | 101 | 8·4 |

## I.—*Non-Muhammadan Urban*—concld.

| Constituency. (1) | Population. (2) | Number of voters. (3) | Percentages. (4) | Number that polled. (5) | Percentages. (6) | Number of seats. (7) |
|---|---|---|---|---|---|---|
| | | | *Muhammadan Rural.* | | | |
| 33. Northern Circars | 127,318 | 3,529 | 2·7 | 267 | 7·56 | 1 |
| 34. East Coast .. | 284,776 | 6,156 | 2·1 | 211 | 3·4 | 1 |
| 35. Ceded districts .. | 401,371 | 6,715 | 1·6 | 1,635 | 24·3 | 1 |
| 36. North Arcot *cum* Chingleput. | 151,801 | 4,125 | 2·6 | .. | .. | 1<br>1 |
| 37. Central district .. | 167,034 | 4,118 | 2·5 | 505 | 12·2 | 1 |
| 38. Tanjore .. | 130,653 | 4,054 | 3·1 | 835 | 20·5 | 1 |
| 39. Madura *cum* Trichinopoly. | 142,853 | 3,441 | 2·4 | .. | .. | 1 |
| 40. Ramnad *cum* Tinnevelly. | 225,217 | 5,426 | 2.4 | .. | .. | 1 |
| 41. Malabar *cum* Anjengo. | 1,004,546 | 12,055 | 1·2 | .. | .. | 2 |
| 42. South Kanara .. | 151,756 | 1,772 | 1·1 | .. | .. | 1 |
| | | | *Christians.* | | | |
| 43. Northern districts | 383,284 | 3,848 | 1·1 | 1,328 | 34·5 | 1 |
| 44. Central districts .. | 254,544 | 3,014 | 1·1 | 1,994 | 65·8 | 1 |
| 45. West Coast .. | 218,458 | 2,607 | 1·2 | 1,666 | 63·9 | 1 |
| 46. Tanjore, Trichinopoly *cum* Madura. | 243,780 | 4,386 | 1·8 | 1,726 | 39·3 | 1 |
| 47. Ramanad and Tinnevelly. | 277,149 | 5,544 | ·2 | 3,018 | 54·5 | 1 |
| 48. European .. | 10,788 | 1,489 | 13·8 | 132 | 8·9 | 1 |
| 49. Anglo-Indian .. | 23,481 | 1,399 | 5·9 | .. | .. | 1 |
| | | | *Landholders.* | | | |
| 50. Northern Landholders, Group I. | .. | 86 | .. | .. | .. | 1 |
| 51. Northern Landholders, Group II. | .. | 66 | .. | 29 | 43·9 | 1 |
| 52. North Central Landholders. | .. | 95 | .. | 57 | 60· | 1 |
| South Central Landholders. | .. | 55 | .. | 48 | 72·7 | 1 |
| 54 Southern Central Landholders. | .. | 55 | .. | .. | .. | 1 |
| 55. West Coast Landholders. | .. | 200 | .. | 144 | 72 | 1 |
| | | | *University.* | | | |
| 56. Madras University | .. | 5,463 | .. | 3,612 | 66·1 | 1 |

I.—*Non-Muhammadans Urban*—concld.

| Constituency. (1) | Population. (2) | Number of voters. (3) | Percentages. (4) | Number that polled (5) | Percentages. (6) | Number of seats. (7) |
|---|---|---|---|---|---|---|
| | | | *Planting.* | | | |
| 57. Madras Planters .. | .. | 349 | ... | .. | .. | |
| | | | *Commerce and Industry.* | | | |
| 58. Madras Chamber of Commerce. | .. | 95 | ... | .. | .. | |
| 59. Madras Trades' Association. | .. | 26 | ... | .. | .. | |
| 60. South Indian Chamber of Commerce. | .. | 235 | .. | 142 | 60·4 | |
| 61. Nattukkottai Nagarattar's Association. | .. | 619 | .. | .. | .. | |
| Total .. | 40,931,431 | 1,248,156 | 3·05 | .. | .. | 98 |
| Uncontested .. | .. | 33,575 | .. | .. | .. | .. |
| Balance .. | .. | 1,214,581 | 3·05 | 3,03,558 | 24·9 | .. |

*II.—Statement showing the percentages of voters who attended the poll at bye-elections since 1921.*

| Names of members who succeeded at the bye-elections. | Total number of voters. | Number that polled. | Percentage. |
|---|---|---|---|
| Rao Bahadur C. Natesa Mudaliyar .. | 16,553 | 4,657 | 28 |
| Mr. M. Appalanarasayya Nayudu .. | 992 | 673 | 68 |
| Mr. K. A. Kandaswami Kandar .. | 59,323 | 2,533 | 4 |
| Mr. T. Somasundara Mudaliyar .. | 54,733 | 43,247 | 79 |
| Mr. V. Pakkiriswami Pillai .. .. | 54,733 | 43,247 | 79 |
| Rao Bahadur V. Appaswami Vandayar | 54,733 | 43,247 | 79 |
| Mr. K. Sitarama Reddi .. .. | 58,970 | 16,977 | 29 |
| Diwan Bahadur T. N. Sivagnanam Pillai | 3,156 | 2,135 | 67 |

*Paragraph 6 (ii). The interest evinced by the constituencies and the public in the work of the Council.*

76. That the work of the Council has created considerable public interest and appreciation is evident both from the amount of space devoted to its doings by the press and also from the number of visitors in the Council galleries during debates. During the passage of the University Bill the galleries were crowded and the papers were full of articles supporting, criticizing or opposing the various provisions of the bill. The State Aid to

Industries Bill received universal support and the Religious Endowments Bill excited perhaps even greater public interest than either of the first two measures. The same interest was displayed when particularly important resolutions were discussed, like the resolution for enfranchising women, and more especially during the debates on motions for the adjournment of the House; and the budget debates were always, closely followed by the public both in Madras and in the constituencies. In fact the constituencies have generally been keenly alive to what is going on in the Council and meetings to support or oppose various decisions of the legislative body were by no means uncommon in many districts.

*Paragraph 6 (iii). The extent to which political groups or parties in the Council are reproduced in, or derived from, the constituencies.*

77. This subject has already been dealt with in paragraphs 72 to 74 above, but mention must be made of an attempt made in the early part of 1921 to form what was known as an independent party. This party was intended to be composed of both Brahmans and non-Brahmans in opposition to the ministerial party. It had no living relation to any real body of opinion outside the Council and died a natural death within a few months. More recently, there has been an attempt on the part of certain individuals to secede from the ministerial party; but these persons have made no effort to form a separate party of their own, nor can they be said to reflect the opinion of the electors or of any section of them. It remains to be seen whether the secession will ripen into a definite opposition, even of the 'cross-bench' variety.

*Paragraph 6 (iv). Electoral organization in the constituencies, political programmes, parties oand party funds and ma hinery.*

78. The chief electoral organization in the constituencies consists of branches of the South Indian Liberal Federation at various centres, by the aid of which, assisted perhaps to an equal degree by individual effort, members of the ministerial party were returned at the last elections and by which means they hope to retain their seats at the next election. The political programme of the non-Brahmin party was put forward at the last elections at a confederation held at the time and its main items were an amelioration in the condition of all non-Brahman classes, the spreading of primary education, the provisions of equal opportunity to all castes for education and for entry into Government service, the attainment of a more equal representation of the different communities in the public services, an improvement in the control over religious endowments, the amelioration of the agricultural condition of the Presidency and the development of industries.

79. A definite programme has just been issued for the coming elections. No rival programme has yet been published and so far as the regular opposition is concerned, very little organization of any kind among its rank and file is apparent; nor is the stir now being made by Mr. C. R. Das in this province likely to eventuate in any radical or extremist programme for the coming elections. The ministerial party has no party fund and no attempt has so far been made to organize one. So far as can be ascertained the same is the

case with regard to the opposition. The machinery by which the non-Brahman party works is, as mentioned before, the South Indian Liberal Federation with headquarters at Madras and branches in different parts of the Presidency.

*Paragraph 6 (v). The influence of the press on politics and public opinion.*

80. The influence of the press on politics is not so great as might be expected, chiefly because the various organs seem unable to take more than one point of view and make little or no impression on rival organs or on rival parties. The ministerial view is expressed by the English daily, *Justice*, and two vernacular papers. *New India* may be held to represent the moderate party, while the *Hindu* is a professed Congress organ and its leanings square with those of the opposition in the Council to a far greater extent than is openly admitted. The *Madras Mail* and the *Daily Express* may be considered independent papers, so far as the two Indian parties in the Council are concerned, and the former specially seeks to express the European point of view. They both have some influence on both sides of the House, except when they advocate either anti-Indian or too obviously European points of view.

The number of newspapers has increased considerably since the repeal of the Press Act, but the majority of the new additions to the strength of the press possess little or no influence on public opinion and have a very limited circulation. The *Swarajya*, a recent daily paper, and a professed organ of non-co-operation, has, however, a considerable circulation ; so have certain vernacular papers, which equally profess the non-co-operation creed.

D.—Political agitation and Parties outside the Reform Scheme.

*Paragraph 7. Non-co-operation and Khilafat.*

81. The activities of the non-co-operation and Khilafat parties certainly constituted a grave embarrassment to the working of the Council, especially in 1921 and the early part of 1922. These activities were of course mainly out side the Council but they led to a considerable loss of public revenue and also to a very serious disregard for constituted authority and naturally called for strong action on the part of the Government ; and, as has been suggested in paragraph 66 above, the opposition party in the Council, though openly disavowing the non-co-operation creed, were certainly affected to a considerable extent by its sentiments. The fact that the supporters of the movement actually decided at the last elections to boycott the Council probably had very little effect on the course of the elections themselves. Few of them were likely to have gained seats in the Council had they stood for election ; the majority of the political leaders of the Presidency dissociated themselves from the movement from the outset and the number of those in professed sympathy with the movements and who found seats in the Council was too small to influence its decision to any great extent. It was rather the general effect of the movement on the political atmosphere and on the financial situation that created the difficulties referred to above —and the situation certainly was a difficult one for any popularly elected assembly to face, much more for a nascent assembly like the reformed Legislative Council.

82. In the early part of 1921 the energies of the malcontents were directed chiefly to the fomenting of labour troubles, in which they achieved considerable success. The unrest then aroused developed along unlooked for lines and culminated in intercommunal riots, attended with arson and loss of life and spread over several months, in Madras City. The most important event of the year however was the Mappilla rebellion, which was due directly to Khilafat and non-co-operation preaching, and was not suppressed till well on into 1922. In other parts of the Presidency there were manifestations of lawlessness, less serious than this, but sufficiently serious in themselves ; riots leading to bloodshed at Kumbakonam in the Tanjore district, at Karur in the Trichinopoly district, and at Pentapad in the Kistna district, besides minor disturbances of the peace in many other localities, following on attempts to interfere with the liberties of the people or to overawe the authorities. At the beginning of 1922 there was the unseemly display of hooliganism in Madras at the time of the visit of His Royal Highness the Prince of Wales, and the no tax campaign in Guntur and to a lesser extent in Godavari. In regard to the riots in Madras there was some difference of opinion ; but in dealing with the other disturbances and demonstrations against authority, the Government received a great measure of support from the Council and found themselves able to rely on the ministerial party. Throughout the Malabar rebellion there was a gratifying disinclination to embarrass the Government, for which credit must be largely ascribed to the influence of Sir P. Tyagaraya Chettiyar and the Ministers. Early in the life of the Council, when the District Magistrate of Malabar, with the approval of the Government, found it necessary in February 1921 to restrain the agitator Yaqub Hasan, leave was obtained to move the adjournment of the Council to discuss his action, but in the course of discussion it became clear that the balance of opinion was opposed to any censure. Again, when in December 1921 leave was sought for an adjournment to discuss the application to the Presidency of Part II of the Criminal Law Amendment Act, 1908, the mover was unable to obtain any support. Later a resolution recommending that a committee should be appointed to examine the records of cases in which non-co-operators had been convicted was defeated after strong speeches had been made in opposition to it on the ministerial side ; and a similar fate would no doubt have befallen a resolution recommending special treatment of non-co-operation prisoners in jails, if the discussion had not been put an end to by a motion that the Council should pass on to the next item of business. There has latterly perhaps been a tendency to grasp at the idea that the non-co-operation movement is dead and that precautions against further disturbances may be relaxed. It is probable however that this is due more to a desire for retrenchment than to any real wish to weaken the position of the Government ; and though dissatisfaction has been expressed at the size of the police budget, the Council, led again by Sir P. Tyagaraya Chettiyar, has accepted the demands of the executive, including a provision for the initiation of a small but highly disciplined striking force on the east coast.

83. The latest attitude adopted by the Congress towards the question of entering the Council has naturally set afloat a good deal of speculation and it would be rash to indulge in any dogmatic expression of opinion as to the issue.

A loudly vocal element in the Congress party in this Presidency is in favour of capturing the Council, but the Congress itself has shifted its position so often and its influence on the public mind has so steadily decreased in consequence, that in well-informed circles it is generally believed that the personnel of the Council will not suffer material change at the coming elections.

*Paragraph 7.—continued—Activities of the non-co-operators on local bodies.*

84. On 3rd October 1920 (two days after the coming into force of the Madras District Municipalities Act, 1920) six out of the twelve councillors of the Narasaraopet municipality resigned their seats on the council on account of the non-co-operation movement. No special action was considered necessary, as the resignations were not likely to cause any inconvenience to the administration of the municipality. The Collector of Guntur and the chairman of the municipal council were, however, asked to make arrangements for reconstituting the municipal council under section 366 (*a*) of the District Municipalities Act, 1920, at the earliest possible date; and this was accordingly done.

85. In Repalle, which was constituted a municipality from 1st September 1920, with a strength of twelve councillors nominated by the Government, eight councillors sent in January 1921 a requisition to the *ex*-officio chairman to consider the following matters :—

(1) the abolition of the municipality ;

(2) the suspension of the collection of municipal taxes pending the receipt of orders on the memorials submitted to His Excellency for the abolition of the municipality.

The requisition of the eight councillors was mainly due to the influence of non-co-operators from outside, especially from Guntur and Tenali. The chairman did not convene the meeting asked for. The cart-drivers and jutka wallahs were made to strike and people refused to receive tax notices. The chairman suggested that all the municipal councillors might be removed from office and fresh councillors appointed. This suggestion was not feasible, any more than the abolition of the municipality. The Government wished to watch the effect of municipal administration and of the proposed location of a District Munsif's court at Repalle. They ordered, however, that no municipal tax should be levied on lands used solely for agricultural pruposes, and that farm cattle should be exempt from tolls and taxes. The Hon'ble the Minister for local Self-Government visited the place in September 1921, and found that it remained rural in character with no indication of early development into a town ; and as the location of a District Munsif's court had not materialized, he ordered the abolition of the municipality.

86. In Chirala, which was constituted a municipality in November 1919, there was no trouble till September 1920, when the town received the attentions of the non-co-operators who took advantage of the natural reluctance of the people to pay additional taxes and led an organized agitation against the continuance of the municipality. Ten out of the twelve councillors resigned and the municipal administration was brought to a standstill. The Hon'ble

the Minister for local Self-Government visited the place, and after discussing the situation with the leading residents offered to exempt agricultural cattle and land from municipal taxation, but, presumably under the influence of the agitators, the offer was rejected. After a careful examination of the situation, the Hon'ble the Minister came to the conclusion that the agitation for the abolition was bolstered up by a few political agitators backed by the merchants and money-lenders, and that the town should, in the interests of public health, continue to be a municipality. The Government therefore superseded the council for a period of one year from 1st April 1921 and appointed a paid officer to discharge the duties of the council and its chairman. A resolution moved in the Legislative Council in November 1921 by M. R. Ry. C. V. Venkataramana Ayyangar Avargal, recommending the abolition of the Chirala municipality was lost. On the expiry of the period of supersession, the municipal council was reconstituted under section 41 (4) of the District Municipalities Act.

87. So far as regards non-co-operation in particular places. As regards the effect of the movement on local bodies in general, it has been ascertained that out of an approximate total of 4,048 elected members throughout the Presidency, 358, or less than 9 per cent., are professed non-co-operators, of whom 35 were members elected within the last six months. These figures indicate that any attempts on the part of non-co-operators to capture the elected seats on local bodies have been in the majority of cases unsuccessful.

88. The activities of the non-co-operators on local bodies were mainly confined to (1) getting resolutions passed on subjects such as the prohibition of liquor, picketing, applauding the services of those who went to jail on account of non-co-operation, changing the old names of streets and re-naming them after Tilak and Gandhi, (2) voting and presenting addresses of welcome to such prominent leaders of the movement as Gandhi and the Ali brothers and to the members of the Civil Disobedience Committee, and (3) presenting oil paintings of prominent non-co-operator to the councils. Rajahmundry, Guntur and Salem were among the important municipal councils by which such resolutions were endorsed. In Salem it may be mentioned that the municipal council passed resolutions sanctioning the picketing of liquor shops and weaving of *khaddar* cloth. This council in addition sanctioned an advance of Rs. 1,000 to the president of the Municipal Employees Co-operative Society for the pruchase and supply of *khaddar* cloth to the municipal establishment during the Dipavali festival. The same municipal council also passed resolutions suggesting that students and teachers in municipal schools and at the college as well as the municipal councillors should wear *khaddar*. The resolutions were, however, cancelled.

Resolutions voting addresses to Gandhi and others were passed by several local bodies, *e.g.*, the municipal councils of Adoni, Hospet, Bellary, Trichinopoly, Srirangam, Vellore, Tadpatri, the union board of Devakottah and the taluk board of Erode. The Government refused to sanction any expenditure from the funds of local bodies or this account. In cases where local bodies did not approach Government for sanction for such expenditure action was considered necessary. In order, however, that any resolution of a local body which signified non-co-operation or was politically objectionable might be

known to Government, Collectors and presidents of district boards were requested in Memoranda no. 1410-3-1, L. and M., dated 12th July 1921, and no. 1403-2, L. & M., dated 12th July 1921, to watch the resolutions passed by local bodies through the copies of the proceedings submitted under rule 10 of schedule III of the Madras District Municipalities Act, 1920, and rule 10 (2) (*a*) of schedule II of the Madras Local Boards Act, 1920, and to bring those that were objectionable at once to the notice of Government.

89. As attempts were made by some local bodies to introduce national education of the type approved by non-co-operators, the Government issued orders to the effect that the funds of local bodies should not be applied to the maintenance or in aid of educational institutions which were not recognized or approved by the Government, by the district education council, or by some other authority duly authorized by the Government in this behalf.

90. In order to eliminate from local bodies extreme non-co-operators who were not prepared publicly to declare their allegiance to the Crown, Act II of 1922 requiring every member of a local body to make an oath or affirmation of allegiance to the Crown was brought into force on 21st February 1922. Under sections 3 and 5 of this Act every person who was a member of a local body on that date had to make an oath or affirmation before 21st May 1922 at a meeting of the local body. Members who failed to make the oath before that date have automatically vacated their seats; but the great majority of these have asked to be re-instated, alleging illness or absence from the station as the reason why they did not make the oath or affirmation on the prescribed date. The number of those who abstained from motives of disloyalty is believed to be exceedingly small.

# APPENDIX.

## RULINGS OF THE HON'BLE THE PRESIDENT (vide paragraph 69 supra of the letter).

### (*Volume I—January to April* 1921.)

[The references are to pages of the Council Proceedings.]


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| Acceptance of an amendment by the Council does not mean the acceptance of the resolution itself .. .. .. .. .. | 372 |
| Amendment at a late stage disallowed .. .. .. .. | 362 |
| Amendment cannot be moved without the special leave of the Council after a resolution has been carried .. .. .. .. | 368 |
| Amendment fundamentally different from the resolution, disallowed .. .. .. .. .. .. .. | 378 |
| Conditional withdrawal of a resolution not permitted .. .. | 366 |
| Council Secretaries have the right to vote .. .. .. .. | 66 |
| Discussion on a vote which had already been disposed of— disallowed .. .. .. .. .. .. .. | 748, 873, 1608 |
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| Effect of a vote on a motion for reduction of a grant may amount to a censure on the Member of Government concerned .. .. | 1010, 1011 |
| Government is one whole and interpellations in regard to the relations between the two halves not allowed .. .. .. .. | 766, 767 |
| Motion for adjournment of debate to call attention to a matter of urgent public importance should not specify the resolution to which the mover may wish to commit the House.. .. .. .. | 16 |
| Motion for closure permissible before the member for Government has spoken .. .. .. .. .. .. .. | 590 |
| Motions for closure cannot be made by a member at the end of his own speech on the substantive motion .. .. .. .. | 877 |
| Mover of a resolution may, under standing order 34, move for an adjournment of the resolution before moving the resolution itself .. | 453 |
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| Resolution as soon as moved becomes the property of the Council .. | 382 |
| When discussing motions for reduction of grant, members can criticise even non-votable items .. .. .. .. .. | 1209 |
| Withdrawal of a motion, after closure is carried, not permitted .. | 871, 1011 |


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| Amendment inconsistent with one previously disposed of, ruled out | 115, 2226 |
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| Amendment should be within the scope of a bill .. .. .. | 979 |
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| Amendments to a bill not admissible when the only question to be put is that it be passed into law .. .. .. .. .. | 764 |
| Amendment cannot be moved while a previous one remains undisposed of .. .. .. .. .. .. .. | 2774 |
| Amendment to replace the whole of another member's amendment not permissible as a further amendment .. .. .. .. | 225 |

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| Amendment mover of an—should not himself move further amendment .. .. .. .. .. .. .. | 2253 |
| Amendment, no substantive—to a clause can be considered till after the disposal of amendments to delete the said clause .. .. | 2311 |
| Amendment, objection to an—on ground of want of previous sanction can be raised by any member at any time .. .. .. | 976 |
| Amendment, upon an—it is permissible to discuss both the original resolution and the amendment .. .. .. .. .. | 489 |
| Ballot, no proposition can be given priority over others except in the order in which it appears on the agenda as the result of the— .. | 1519 |
| Ballot, determination by—of relative precedence of non-official business .. .. .. .. .. .. .. | 78 |
| Closure, Government cannot exercise right of reply after—is moved .. | 409 |
| Committees of the House proceedings of—must be placed on the table if members insist on it .. .. .. .. .. | 1543 |
| Communication by letter to President not pormissible on points of order .. .. .. .. .. .. .. | 698 |
| Council not bound by the rules of the House of Commons .. .. | 406 |
| Curtailment of the freedom of debate on the principle of relevance not possible in certain cases .. .. .. .. .. | 277 |
| Debate, when a grant is under discussion, members are entitled to mention the needs of other departments but not to—thereon .. | 1141—42 |
| Discussion to be confined to matter in issue before the House .. | 187, etc. |
| Expression of opinion on questions of taste is not the function of the chair— .. .. .. .. .. .. .. | 1928 |
| Formal motion to consider each clause of a bill need not be made separately .. .. .. .. .. .. .. | 963 |
| Government should take early objection in case a notice of a resolution previously disposed of appears on the agenda paper .. | 499 |
| Grant, in connexion with any votable—members can ask for any explanation for increase in non-votable items and when no explanation is forthcoming the House may cut down the votable item .. | 3151 |
| Grant, whenever several members have tabled separate motions all suggesting nominal reductions in a—the House can take the motions separately— .. .. .. .. .. .. | 3265 |
| Governor, His Excellency the, action by—cannot be discussed .. .. | 642, 1009, 1910 |
| Information to be obtained not by interrupting the course of a debate, but by separate interpellation .. .. .. .. .. | 505 |
| Matter under adjudication in courts, discussion of—not permissible .. | 243—244 |
| Member can interrupt another members speech only to make a personal explanation or raise a point of order, but not to make speech himself .. .. .. .. .. .. | 976 |
| Member can propose amendment to his own bill .. .. .. | 1923 |
| Merits of a bill can be debated on the motion that it be read in Council .. .. .. .. .. .. .. | 631 |
| Motion—House can deal with only one—at a time though other similar re-solutions have been tabled in different members' names .. | 717 |
| Motion for reduction of total grant which is passed includes all individual items of reduction previously decided upon .. .. .. | 312 |

*(Volume II to VII—August 1921 to March 1922)*—contd.


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| Motion, member need not state reasons for not making a— .. .. | 3020 |
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| Mover wishing to exercise right of reply should rise before the President puts the question .. .. .. .. .. .. | 1110 |
| Objection to admissibility of a resolution should be taken before it is moved .. .. .. .. .. .. .. | 417, 433 |
| Permission to speak more than once, President may give .. .. | 1540 |
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| Poll, application for—once made cannot ordinarily be withdrawn .. | 3429 |
| Polling, when—is going on it is not permissible for any member to ask any other member by word of mouth or by gesture to vote or not to vote in a particular way .. .. .. .. .. | 2870 |
| Polling, members should not enter the Council when—has begun .. | 406, 3224, 3314 |
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| President's ruling is final .. .. .. .. .. | 504, 642 |
| President has discretion to regulate procedure by means of time limits, where standing orders do not provide for the same .. .. | 1906 |
| Protection of the Chair can be invoked only where a remark is unparliamentary .. .. .. .. .. .. .. | 1928 |
| Putting a bill to vote clause by clause is within the discretion of the President .. .. .. .. .. .. .. | 1134, 1138 |
| Quotation not permissible from a report not communicated to the House .. .. .. .. .. .. .. | 1026, 1028 |
| Reference to, and remarks in connexion with, any amendment not yet reached, ruled out .. .. .. .. .. .. | 2921 |
| Resolution not dealing with a matter of general public interest disallowed | 1565 |
| Resolution, House may permit any member to move a—in the absence of the member in whose name it stands .. .. .. .. | 661 |
| Resolutions not moved, notice to be given when—are brought up again .. .. .. .. .. .. .. | 244 |
| Resolution on which debate has begun should go forward .. .. | 417 |
| Right of reply to an amended resolution rests with the mover of the original resolution and not with the mover of the the amendment .. .. .. .. .. .. .. | 1540 |
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| Amendment of clauses already disposed of, not permissible except by special leave of the House .. .. .. .. .. | 819 |
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| Individual features of the administration can be criticised in a debate on a demand for supplementary grant .. .. .. .. | 681 |
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## BOMBAY.

Letter no. 73-P., dated the 21st July 1923.

From—The Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Home Department,

I reply as follows to your letter no. D.-917, dated 23rd April 1923, on the question of the working of the Reforms following the main divisions and sub-divisions into which you have divided the subject.

A.—THE EXECUTIVE GOVERNMENT.

(*i*) Allocation of funds to reserved and transferred subjects—

The apportionment of funds between the departments dealing respectively with reserved and transferred subjects was arrived at by amicable arrangement between the Honourable Members and Ministers who based the division upon the previous actual expenditure in these Departments. The division made in 1922-23 was not exact but was arrived at after a good deal of give and take by Honourable Members and Ministers at a series of joint meetings, and this division formed the basis of the Budget allotments made to the various Departments for the current year. Both halves of Government have fully realized the necessity for economy and shewn readiness to look at the problem of balancing the Budget from the standpoint of Government as a whole and not from that of narrow departmentalism. As for the special power of His Excellency the Governor under Devolution Rule no. 32, it has never been necessary for him to exercise it or even to consider whether he should do so. The occasion for such action is when there is no hope of any agreement between Honourable Members and Ministers as regards the apportionment of funds between reserved and transferred subjects. Not only has such a deadlock never occurred but there has never been any serious disagreement. No doubt the knowledge that His Excellency the Governor had these powers in reserve, helped both parties to arrive at an agreement.

To illustrate the harmonious relations between the two halves of Government I may mention that in the Budget of 1922-23 a Reserve of 20 lakhs was provided and allocated by common agreement in the proportion of 12 lakhs to reserved and 8 to transferred subjects. In the course of the year, the reserved department found it necessary to make fewer claims upon this Reserve than did the transferred departments, and part of the money allocated to the former was consequently made over to the latter. The actual expenditure from the 20 lakhs was therefore 8½ in the reserved and 10 lakhs in the transferred. In the current Budget the Reserve has been reduced to 15 lakhs and Government has considered it unnecessary to make any preliminary allocation. The inference is that Honourable Members and Ministers trust the Finance Department to hold the scales evenly between departments in permitting applications to the Legislative Council for grants from the Reserve; and that Government can trust the Legislative Council to consider these demands upon their merits, whether they are made by Honourable Members or Ministers. The cut of 60 lakhs from the Budget of 1922-23, which was spread proportionately over both reserved and transferred subjects is another notable instance of the harmonious relations between Honourable Members and Ministers.

(*ii*) Reinforcement or re-adjustment of Secretariat or other headquarters establishment due to the Reforms—

Two new Departments were created in the Secretariat in consequence of the Reforms. The old Revenue and Financial Department was divided up into the two Departments now bearing these names. The old Judicial Department was divided up into the present Home and Political Departments. This increase in the number of Departments involved the creation of 2 new appointments of Secretaries and three Deputy Secretaries. One of the latter went to the new Finance Department and the other two went to the General and Legal Departments which were considered to require strengthening. It has subsequently been found necessary to strengthen the Finance Department further by the appointment of an additional Deputy Secretary.

The work of all Departments has been increased very considerably by the Reforms. The money required for administration has now to be voted by a Legislative Council which is jealous of its privileges and eager for retrenchment. Each item of the Budget is carefully scrutinized and has to be explained and justified by the Department concerned. Numerous questions are asked and the preparation of the answers often entails considerable labour. The Finance Department in its present form is a new creation and the work which it performs is very heavy. The strengthening of the Secretariat by two Secretaries and four Deputy Secretaries is amply explained by these considerations, and by the strain on Secretaries of the proionged sessions of the Legislative Council.

I may mention that this increase of establishment is to some extent lessened by the abolition of the posts of Under Secretary, of which there were two when the Reforms were introduced. This was a measure of retrenchment subsequent to the Reforms.

(*iii*) Co-operaton between the Executive Government and the Legislature with special reference to permanent and special Committees of the latter—

The general attitude of the Legislative Council towards the Executive Government is one of criticism. As explained later on, there are no regular parties in the House and consequently no leader who can *count* upon a following. The Ministers themselves are without followers upon whose support they can rely and the non-official Members do not draw any great distinction between Honourable Members and Ministers but regard them alike as representatives of the Government which has nominated them. The attitude of the House is not necessarily hostile because critical. The anomalous position however remains of an Executive Government carrying on the business of Government without a working majority of any sort in the Legislative Council.

The attitude of the non-official Members towards Honourable Members and Ministers in Permanent and Special Committees is the same as in the House itself. There is a great volume of questions, sometimes amounting to heckling, but ultimately the Committee generally proves reasonable and amenable. There have been instances however in which Committees have proved recalcitrant—as for instance when a Select Committee amended Bill XV of 1921 (a)

Bill to make provision for the management and control of certain open spaces in the City of Bombay), in such a manner that it became unacceptable to Government and was consequently dropped. This was a bad instance, since the Select Committee's amendment was designed to give control to the Legislative Council over an executive matter—the utilization of certain open spaces in Bombay City.

Generally speaking the Permanent and Special Committees, in spite of much questioning and heckling, do honestly co-operate with the Executive Government and are not unreasonably obstructionist.

(*iv*) The Reforms and local self-Government—

The transfer of this subject to the charge of a Minister coincided with a determined attempt of the non-co-operator party to capture, the local bodies in this Presidency. They achieved notable successes in the Municipalities, especially those of Ahmedabad, Surat and Nadiad. The line of attack adopted by these three Municipalities was to declare themselves emancipated from Government control so far as education was concerned, to refuse Government grants for their schools and to disallow inspection of the latter by Government officials. It could not be denied that such a course contravened the law of the land and their own municipal rules; but it was alleged that the will of the ratepayers, which they professed to have ascertained, justified them in over-riding law. This open defiance forced upon Government the task of vindicating the law and compelled the Minister to adopt measures of repression. Two of the Municipalities were suspended; the President of the third was removed from office. The task of maintaining discipline by repressive measure is never a grateful one and to a Minister of a Reformed Government in the first year of its existence it was doubly distasteful- But in dealing with a set of political extremists, whose avowed object was to make the position of Government impossible unless it asserted its authority in a manner out of which they could make political capital, Government had no other course open but to make use of their emergency powers of control, and from this plain duty the Minister did not shrink. This action was taken in the beginning of 1922 when Mr. Gandhi was in the plenitude of his power. There were manifestations of the same unconstitutional spirit in the Municipalities of Karachi, Poona, Broach, Nasik and Borsad, but fortunately these local bodies did not proceed to extremes which rendered disciplinary action necessary.

While the attitude of the Municipalities has been on the whole hostile to Government and in sympathy with the extremists, the relations between the Reformed Government and the Local Boards have been uniformly satisfactory. A Bill to consolidate and amend the various Acts relating to Local Boards was passed last December by the Legislative Council. This Bill extended the franchise, removed sex disqualifications, and gave increased powers to Local Boards, and was in short a very liberal and progressive measure of Legislation. This Government may claim therefore in dealing with local bodies to have shown both its desire to widen the scope of local self-Government and its determination to vindicate the law and check the abuse of the powers which it desired to extend.

## B.—Legislature.

(*i*) Government Legislation—

The legislation introduced in the period under report has not been of a controversial character. Most of the Bills passed have been directed towards the amendment or improvement of existing enactments. A list of them is attached (Appendix A). The three Acts to amend the Bombay Municipal Act were in the nature of supplementary legislation, though Act VI of 1922 effected some change in the franchise and procedure for election to the Bombay Municipality. Two somewhat similar Acts had for their object the amendment of Port Trusts of Aden and Bombay. The latter altered the representation on the Bombay Port Trust in favour of the Indian Mercantile interest.

Four Acts were passed with the object of increasing revenue. Two took the shape of amendments of the Stamp and Court Fees Act and one imposed a duty on entertainments. The latter was the Second Bill of the kind. An earlier Bill imposing such a tax was rejected by Council on account of dissatisfaction at the rate of Government expenditure and desire to enforce retrenchment. When the expenditure had been cut down the second Bill was passed with little opposition on the understanding that the revenue to be raised was required for meeting the fresh expenditure involved by the provision of the Compulsory Education Act. A fourth Act (No. VII of 1923) raised the fees payable for inspection of boilers.

Four Acts passed fell under the category of Law and Order but were not controversial or of much importance. They were amendments of the Gambling Act, the City of Bombay Police Act, the Prevention of Cruelty to Animals Act and the Identification of Prisoners Act.

The most important Bills dealt with the Council related to Local Boards and Education. Act VI of 1923 consolidated and amended the law relating to Local Boards, widened their franchise and increased their powers of administration and taxation. Act IV of 1923 provided for the introduction by the local authorities of schemes of primary and compulsory education.

The following Government Bills were not passed:—

Bill No. III of 1921 to repeal the Bhagdari Act was withdrawn owing to opposition.

Bill No. IV of 1921 to amend the Bombay General Clauses Act was withdrawn as its object was achieved by Government of India legislation.

Bill No. VIII of 1921 was also withdrawn.

Bill No. XV of 1921 to control certain open spaces in the City of Bombay was withdrawn because the Select Committee amended it in a manner unacceptable to Government.

Bill No. III of 1922 to impose a tax on entertainments was rejected at the first reading for the reason already given.

Bill No. XI of 1922 was incorporated by the Select Committee in Bill No. VIII of 1922.

The Governor General upon the recommendation of this Government in view of subsequent representations by the Cotton Trade refused assent to Bill No. XI of 1921 which repealed the Cotton Contracts Control Act. The required legislation was embodied later in a revised Act.

A glance through the list contained in Appendix B shows that Government legislation during the past two years has been of a description little calculated to arouse opposition. The Legislative Council has from the beginning shewn a laudable desire to retrench expenditure on the one hand and on the other to avoid increase of taxation. This tendency however has not been carried beyond the bounds of reason and common sense. The solitary rejection of a Bill to increase taxation (the earlier Entertainments Tax Bill) was due to a determination to enforce retrenchment, an object which it effected. The four Bills which concerned Law and Order were hardly of sufficient importance to test the temper of the Council upon these matters. So far as could be seen, the tendency of the Legislative Council is to reduce penalties, to impose checks upon Courts and to make over-liberal provision for revisions and appeals. The same anxiety was displayed by the Legislative Council when powers had to be given to Local Bodies for the maintenance of discipline amongst their servants. Such a tendency is natural to a body which is recruited from the middle class and led mainly by lawyers. Another marked tendency is towards decentralization when dealing with Bills granting powers to local authorities—a tendency to increase the powers of the latter to the fullest extent, to bind Government to contributions from general revenues and to free the local authority from supervision. This is due partly to the fact that the many of the Members of the Legislative Council have served on municipalities and Local Boards, partly to the inability of the Indian citizen to identify his interests with those of the State or realize that State subventions come ultimately from his own pocket. Of racial and communal bias I say nothing here, since it so happens that the legislation of the past two years has not often been of a character to arouse such feelings.

(*ii*) Private Legislation—

Only four Private Bills have been introduced but none has been yet enacted. A Bill to amend the Hereditary Offices Act, introduced by Mr. Kale, was rejected at the first reading. A second Bill dealing with the same subject now awaits the second reading.

Mr. Pahalajani withdrew a Bill to amend the Bombay Civil Courts Act, on the understanding that Government would introduce a similar measure.

A Bill to amend the Bhagdari Act V of 1862 was introduced but was not proceeded with as the motion to introduce lapsed.

(*iii*) Financial Business—

The mainspring of the Legislative Council's action in all financial business has been the desire to avoid responsibility for fresh taxation, but they have faced it where the plain necessity has been established, as for instance, in the

increase of Court Fees and Stamps by the amendment of the Court Fees and Stamp Acts. As the two years under report have been a period of financial stringency this has naturally led to demands for retrenchment of the public expenditure. The manner in which they desire such retrenchment to be effected is the outcome of certain beliefs which are not peculiar to Council but have long been promulgated by politicians and the Press ; namely, that the nation-building Departments are starved to the advantage of purely administrative Departments—that the administration is top-heavy—that Europeans are overpaid—that allowances are unjustifiable sources of profit—and that temporary establishments are mere jobbery. Experience has, it is believed, somewhat shaken the belief of Members of the Legislative Council in some of these principles. As has already been pointed out, there has been no serious contention between the Executive Government and the Ministers as regards the allocation of funds. It is therefore not easy to maintain that the transferred Departments have been ungenerously treated by Government in their Budgets, a fact which has undoubtedly had effect upon the opinion of the Legislative Council as a body. Some of the other beliefs mentioned have also been modified and criticism tends to be levelled against the salaries of the better paid Indian official rather than his European confrere. But these beliefs have been long expressed and are strongly held: they are continually reappearing in the Legislative Council whenever there is financial business under discussion. They continue to colour the views and to determine the attitude of the Legislative Council, however, they are modified by the experience gained in the handling of financial questions both in the Committees and in the Council itself.

The defeats of Government on Budget items have been due frequently to racial feeling. It is not always easy to trace this in the printed reports of the debates, though it is easily discernible in the course of the debate itself. As examples of it I may mention (1) the reduction of the grant for increased salaries to Ship Surveyors, (2) the reduction of provision for a European matron at Yeravda Jail, (3) refusal of revision of salaries to Boiler and Factory Inspectors—all from the Budget of 1922-23. A list of Budget demands rejected by the Legislative Council is given in Appendix B.

The most important example of the way in which the Legislative Council have forced Government to conform to their wishes in the matter of retrenchment was the 60 lakh cut from the Budget of 1922-23. The manner in which they attained this end was eminently practical. Instead of attempting to reduce the total by rejecting or reducing various Budget demands in detail—a course which would have involved them in great difficulties and split their own ranks over the interests affected—they wisely took the course of rejecting the Entertainments Tax Bill and threatened of rejection of the Stamp Bills if their demand for retrenchment were not substantially met. Government, which was already considering a reduction of expenditure, thereupon promised to cut it down by 60 lakhs—a promise which has been more than fulfilled. There is no question that the Legislative Council on this occasion felt its powers and used them wisely and justifiably. The Bill which was rejected has been subsequently passed.

There have been no important instances in which the Legislative Council have abused the powers which they used on this occasion to good effect. In the course of the general discussion of the Budget in February 1922, a certain member argued at great length that as a protest aganist their being debarred from dealing with non-voted expenditure the Legislative Council ought to throw out the Budget entirely. He was taken seriously by the Legislative Council. Not infrequently they were disposed to resent the restrictions against reducing non-votable items and made indirect attacks upon officers whose pay is non-votable by proposing reduction or rejection of the Budget provision for the pay of their establishment, which is voted. A recent ruling of the late President has put a stop to this practice.

The late President discouraged the tendency to detailed and petty interference in minor items which was at first markedly in evidence and frequently reminded Members of the Legislative Council that they could use a motion to reduce a particular grant as a means of raising a general debate on grievances felt against the Department for whom the grant was intended. The lesson is now learnt and this course is frequently followed. Similarly the Legislative Council have learnt to use their wide powers in financial matters to enforce respect for their opinion in extra-financial matters. For example, the Budget provision for revision of the pay of village officers in Sind and similar provision in favour of provincial police officers were recently rejected by the Legislative Council, not upon their merits but as a protest against what they considered to be the unsympathetic attitude of Government with regard to the imprisonment of a Member of the Legislative Council.

There has been no case up to date of the restoration by His Excellency the Governor of a grant rejected by the Legislative Council.

As regards measures of retrenchment due to action of the Council, I have already mentioned the 60 lakhs cut in 1922, and the rejected grants shewn in Appendix B. The appointment of a Retrenchment Committee was not actually due to the action of the Legislative Council. Government placed an Officer (Mr. Maxwell) upon special duty to enquire into the question of retrenchment and especially to overhaul Secretariat office procedure. The Legislative Council cut the provision for his establishment out of the Budget for 1921-22 and only consented to restore it on condition that a non-official Committee of the Legislative Council was attached to the Officer on Special Duty. The Committee has recently produced its report which is under the consideration of Government.

No legislative proposals involving increased expenditure have emanated from the Legislative Council. All measures affecting the public revenues require the previous sanction of the Governor and no application for such sanction has been made as required by Section 80-C. of the Government of India Act. A resolution was moved recommending the restoration of retrenched grants to Secondary Education but was ruled out of order by the President under Rule 30 of the Legislative Council Rules. A reference as to the wording of the Rule was made to the Government of India.

(*iv*) Resolutions and Questions—

If we take all the sessions of the Legislative Council together notice was given of 530 resolutions in all. They were considerably more numerous in the earlier than in the later sessions, probably because experience taught the Members of the Legislative Council that there was no time for discussion of a very large number of resolutions. Another point which is noteworthy is that the members who bring forward resolutions are a small group. Of the 530 resolutions no fewer than 343 were proposed by 18 members and of the latter number more than half were proposed by eight members only. Some of the leading members have given notice of very few resolutions.

A great number of resolutions were duplicates of others and some of the members gave notice of the same resolution on more than one occasion. Their nature varied greatly and they covered a very wide field. A large number of Resolutions advocated the adoption by Government of proposals which have long been the subject of debate in Indian politics—such as the separation of the judicial and executive functions, trial by Jury, increased Indianization of the Services, recruitment of judicial officers from the bar and so forth. A large number relate to Education, and in these the representation of communal interests was much in evidence. Thus several resolutions in favour of compulsory education were based by their movers upon the necessity for educating the backward and depressed classes. Many contained demands for concessions to these classes in the matter of admissions to Colleges, opening of special schools, endowment of scholarships and appointments in Government service. A resolution which attracted great interest was to the effect that Government aid should be withdrawn from schools and colleges in which religious training is compulsory—a resolution which though drafted in general terms was directed mainly against the Wilson College in Bombay. It was passed in an amended form and effect is being given to it in cases where the school or college is the only one of its kind in the locality. Other resolutions were brought forward with the object of restoring grants which had been curtailed on account of financial stringency, of doing something for Ayurvedic and Yunani medical instruction and for the opening of a school of Tropical Medicine in Bombay.

It is not possible briefly to summarize the subject matter of the resolutions as they cover so wide a field ; but they show generally an interest in the treatment of so-called political prisoners in jails, the temperance cause and prohibition, the working of the Development Department and land acquisitions, the cases of the suspended Municipalities, the abolition of tolls on roads, the grievances of railway passengers, the construction of village chowdies from provincial funds and a number of temporary and local grievances. They indicate a desire on the part of the Legislative Council to assume executive functions and frequently suggest that committees be appointed with a non-official Legislative Council majority to advise on numerous matters, including the administration of the Districts. One resolution was to the effect that zamindars should have a voice in the distribution of water from Government canals by means of local committees who would relieve irrigation officers of their duties in this respect. A resolution was moved that all revision settlement proposals should be discussed in the Legislative Council and its

recommendations adopted by Government. This particular resolution however was withdrawn.

Of the resolutions of which notice was given 174 were disallowed (63 by His Excellency the Governor and 111 by the President). The usual grounds were that they were bad in form because they raised more than one issue, or in substance because they related to a central subject. His Excellency the Governor was strict in disallowing any resolution upon which action could not be taken by the local Government.

On a resolution being moved it was the practice of Government not to intervene until several members had spoken and the general attitude of the house could be guessed. Where Government agreed partially with a resolution but could not accept it in the form in which it was moved it frequently staved off a division by promising to enquire into the matter or by preparing an amendment either itself or through some non-official. In such cases the attitude of the House was generally reasonable and a great number of resolutions were consequently withdrawn. It was seldom that a resolution was carried in the teeth of Government opposition. There were instances, however, in which the House showed an uncompromising temper.

Government often took important action on resolutions of the Council and several Committees have been appointed in consequence of them—*e.g.*, the Bombay Prostitution Committee and the Excise Committee.

### Questions.

The majority of the members availed themselves very freely of the privilege of asking questions and in some sessions a single member would ask from 70 to 100, each sub-divided into several parts. Many questions were genuine requests for information, but for the most part they were either put in order to draw attention to a particular grievance or to advertise discontent and disagreement with some general policy of Government. A considerable number had no discernible object and were probably put in order to bring the members who asked them into the public view.

The total number of questions put in the Legislative Council during the past two years is 3,690. At first questions were admitted or disallowed by the President on receipt. Subsequently all questions were sent on receipt to the Departments concerned which expressed their opinions before the President issued orders. This procedure was found to involve great labour and delay so that it was abandoned after trial for one session. Thereafter it was the practice for the President to exercise his discretion in the first instance and for the various Departments to bring to his notice any fact which, if known to him, might have led to the disallowance of the question. The rules for the admission of the question are substantially the same as those obtaining in the House of Commons and Parliamentary precedent is invariably followed in their interpretation. Questions were most commonly disallowed on the grounds that they dealt with a central subject or a matter "sub judice," that they were argumentative, asked for an opinion, contained assumptions or suggested a particular course of action. It was a common habit of members in the

course of a single question to bring to light a grievance, suggest a particular remedy and support the suggestion with several arguments. The underlying principle in determining whether a question was allowable was that it should not be of a debating nature.

The rule that the member who asks a question must make himself responsible for the accuracy of any statement which it contains was generally disregarded in practice, as such statements were often grossly inaccurate. It was obvious that certain members merely searched the files of the local newspapers for a grievance which they proceeded to incorporate in a question without further enquiry. At first they used to quote the newspaper from which their information was drawn, until the President ruled such questions out of order. In other cases it was impossible for the President to disallow the question as he could not know whether the member had or had not conducted a proper enquiry.

General request for information were only disallowed when the information applied for was easily obtainable from standard works of reference. When it was available from administration reports contained in the Council Library it was the practice of Government to give the reference by way of answer. In some cases an answer was refused on the ground that the value of the information was incommensurate with the expense or labour involved in its collection. Other grounds for disallowance of questions were imported from Parliamentary precedent—*viz.*, that a question must not refer to more than one Department that it should not demand a treatise by way of answer and so forth. On the other hand the phrase " matters of public concern " was given a liberal interpretation so as to include any matter coming within the control of a public Department even though it might only concern a single individual; but it was ruled that personal matters were not matters of public concern unless they involved questions of principle or law. The President during the earlier sessions invariably explained to the Member who asked a question the reasons for which he disallowed it—a course which resulted in the rapid improvement of the form in which questions were put.

Out of 3,690 questions put during the past two years 995 were disallowed under one or other of the above objections. Of these three were disallowed by His Excellency the Governor and 992 by the President.

The main classes into which questions fell were as follows: about 25 per cent. related to the services, particularly to the personal interests or grievances of this or that branch of the services; another 25 per cent. came under the head of racial or communal interests: the remainder may be divided between questions regarding local wants or grievances and questions of a miscellaneous character which cannot well be summarised under main heads. The questions regarding the services were obviously the result of representations made to the Members of the Legislative Council by Government servants in their constituencies. A large number concerned the Indianization of the Services and came under the second heading also. More dealt with the pay, promotion, punishment or prospects of particular classes of Government servants and even of individuals. The impropriety of individual Government servants thus airing their grievances has recently been pointed out by the Government of India. The large number of such questions shows the marked tendency of the

Legislative Council to interfere in purely executive affairs. Another noticeable feature is that while the Council invariably insists upon economy as a general principle, yet in particular cases the tendency of the questions asked is to suggest more liberal treatment for the provincial and subordinate services. Racial and communal questions often deal with the various services and so fall in the first two categories. They generally suggest further Indianization of the services, or specially favourable treatment of Mohammedans or non-Brahmins or the depressed classes in the matter of recruitment, pay or promotion. Questions regarding local interests covered a very wide field and so did the miscellaneous questions. Noticeable amongst the latter were the numerous questions regarding the treatment of so-called political prisoners, the reasons moving Government to prosecute agitators or the measures taken to put down disorder. The general purpose underlying these was largely to show that entrance into the Legislative Council did not preclude the questioner from feeling strong sympathy with the non-co-operator party. Some were designed to elicit a statement of policy upon which a resolution might subsequently be brought forward or which might provide damaging material to the extremist press. On the other hand many questions were put with the intention of giving Government a good opportunity to explain or rebut allegations made by critics outside the Council.

Considering the vast multitude of questions put and the great variety of motives underlying them, one could not expect that Government would be able to undertake action upon the subject of the question in a large percentage of cases. Many of the questions however served a useful purpose by eliciting information, by contradicting mischievous reports or correcting erroneous notions; and in a few cases Government have been induced to take action—*e.g.*, as regards impressment of carts by officials and consumption of liquor amongst factory hands. The number of such cases would have been greater but for the financial stringency, as many questions brought to light local wants and grievances which could not be met or remedied without heavy expenditure. This applies mainly to the demand for school buildings, bridges, travellers' bungalows and other works of public utility.

(*v*) Motions to adjourn the House—

(*a*) The first motion to adjourn came from Rao Bahadur Kale in the first session of 1921 and was for the purpose of appointing a Committee to discuss the budget. It was ruled out of order as not being a matter of urgent public importance.

(*b*) In 1922 an adjournment was moved to discuss the action of the Collector of Kaira in forcibly taking possession of the Municipal School at Nadiad. After a short discussion the mover of the resolution dropped the matter.

(*c*) An adjournment was moved in order to discuss the circumstances connected with the firing at Dharwar in 1921. It was ruled out of order as referring to a matter "sub judice".

(*d*) Similarly an adjournment was moved in order to consider the firing at Matiari. At first it was ruled out as bad in form. It was then renewed and after some discussion as to the Committee to be appointed the motion was lost by 35 votes to 46.

(*e*) In December last adjournment was moved on the question of the opening of a third enclosure on the Bombay race course. After some discussion the matter was dropped.

(*f*) In the February session 1923 adjournment was moved to discuss the prosecution of.....under the Sind Frontier Regulations. It was postponed on February 22nd as the Honourable Home Member had no information. The motion was withdrawn on the release of.....on his giving the required security under the Regulations.

Of the six motions for adjournment, three concerned police and judicial matters of interest at the moment and three matters of political interest. The motion for adjournment to discuss the arrest of ..... .....aroused the excitement of the House to a most remarkable extent. In order to mark its displeasure it threw out a Budget item utterly unconnected with the cause of offence—a grant for the revision of the pay of the village establishment in Sind and later, while still in angry mood, a demand for the revision of the pay of Deputy Superintendents of Police. The refusal of these grants was a demonstration of the House that it would not proceed with business until it was satisfied with regard to the arrest. The incident illustrates the Legislative Council's sense of its own power as well as its inability to distinguish between the functions of the legislative, the executive and the judiciary.

## Amendments of Standing Orders.

There have been 57 motions to amend the Standing Orders. The majority have been moved by non-official members.

The principal amendments carried were to :—

(1) Standing Order X, 8 (1).
(2) Ditto IV, (1) 1.
(3) Schedule I.
(4) Standing Order VI, 10.
(5) Ditto VIII, 15.
(6) Ditto XII, 7.
(7) Ditto V, 1.
(8) Ditto VII, 1 (1) (3), 2.
(9) Ditto XI, 1A.
(10) Ditto XI, 1.

And the most important of these were to Part IV, relating to motions for adjournment of the House, and to Part XI, 1 and 3 and 1A, relating to financial business and to the presentation of the budget.

The general tendency of non-official amendments to the Standing Orders is towards a relaxation of the rules requiring notice of motions and questions,

a wish to have notices of resolutions and questions carried over to a new session : and to shorten the period of one year which is laid down in Standing Order X, rule 12, which disallows the repetition of resolutions raising substantially the same question within that period. One amendment was to reduce this period to three months and another to six months : but they have not been carried.

One amendment illustrates the disabilities of members who know only their own vernacular, and was in the form of a motion to amend Standing Order, V, 6 by the addition of a paragraph ensuring that Urdu translations of parts of Bills to be introduced, resolutions, notices and budgets, should be supplied to those members who did not know English.

There is also a desire that the notice to be given of questions should be ten clear days before " a meeting " of the Council and not a " session ".

### Experts.

The nomination of experts under the Government of India Act, section 72-A (2) proviso B has only once been resorted to. The occasion was a Bill to amend the Prince of Wales' Museum Act, a very technical matter and the expert was the Collector of Bombay, who was on the Board of the Museum Trustees and largely responsible for the Bill.

### General Remarks on the Legislature.

(1) Extent to which it represents and reacts upon public opinion.

Judged by European standards the Legislative Council can hardly be aid to represent anything, but the individual opinions of the members, nor is there any well defined public opinion for them to represent. The great mass of the electorate is as yet ignorant, illiterate and little interested in general political questions. The non-co-operator and Khilafatist lecturers have awakened interest in some parts of the country, it is true : but in the main one may still say that the eyes of the people are on the doings of the local subordinate officials or on the provision of wells and chowdies in their own villages. The candidates, apart from the paramount issue of acceptance or rejection of the Reforms Scheme, placed no programme before the electorate. They neither asked for nor received anything that could be called a mandate. But although they cannot be said to pursue any declared policy or policies which represent the opinion and wishes of their electors and although each member of the House is free to take his own line upon any question without incurring the charge that he has broken faith with his constituency, yet in a different sense one may call the Council a representative body, inasmuch as its members constitute a fairly representative selection from the chief classes of the people. There are classes which are unrepresented, it is true ; but they are classes which in the country itself are voiceless and powerless. If the Brahmin element is stronger than numbers warrant it undoubtedly represents the relative power which religious tradition, wealth, education and intelligence have conferred upon their community. All the chief communities in the Presidency and in Sind are represented in the Legislative Council. Further, their representatives are upon the whole fit representatives, typical specimens of the communities from which they are drawn, clearly understanding the interests of their own people and ready to support and defend them. The one

important party not represented in Council is the extremist opponent of the British connection: but a scrutiny of the questions and resolutions will show that if absent in body he is often present in spirit.

The extent to which the Legislative Council reacts upon public opinion is difficult to judge and differs largely in various parts of the country. Where the people are backward and ignorant or where the influence of the non-co-operator and Khilafatist movement prevails, there is little reaction. Where the educated minority is most numerous and religious or political fanaticism does not stifle the receptive intelligence of the people the effects of the Council debates are not altogether unnoticeable. An officer of experience asserts that in the course of informal discussions with non-officials he is often struck with the change of opinion due to this cause and that many admit this in their hearts but have not the courage to say so openly. It may be said that the wholesome discipline of experience has begun to modify the thought of the educated minority through the medium of the Legislative Council, but that the vast mass of the people is as yet totally unaffected.

(2) Relations between Members of the Legislative Council and their constituents.

So far very few Members of the Legislative Councils have felt any need of maintaining touch with their constituencies or have made any effort to do so. From many districts it is reported that the sitting members have never addressed a public meeting since the day of their election. In some cases they have taken up local grievances not in the Legislative Council, but with local officials, and that not as individuals but as representatives of the people and at the direct request of their constituents. This is a very effective way of gaining prestige with the illiterate masses who know nothing of Council debates. In the Central and Southern Divisions a few members have kept themselves before the public by holding meetings in the villages. The non-Brahmin party and especially the Lingayats have been noticeable in this respect. In these various ways a few members have endeavoured to strengthen their hold in the constituencies: but the great majority have done nothing. The Ministers have, however, occasionally been on tour and addressed meetings.

(3) Conventions of Procedure.

There has not been time for any conventions to be formed in the sense in which the word is used by writers on constitutional law. The only practice which approaches a convention is that effect is given as far as possible to the Resolutions of the Legislative Council even though these are not binding on Government. This cannot be done in all instances—when such Resolutions run counter to the whole policy of Government or involve a plain injustice to an individual.

In the Council itself the President invariably followed the Parliamentary procedure so far as it could be adapted to the local conditions. The following are some of his rulings:—

(*a*) The Governor stands in relation to the Council as the King stands to Parliament. His name may not be mentioned in debate.

(*b*) Individual officers of Government may only be censured by a substantive motion to that effect.

(c) If a member of Government refers to a document in debate he must, unless it is confidential, lay it on the table.

(d) A motion to reduce a major head in the Budget is an opportunity for a general criticism of the working of that Department.

(e) The principle of a Bill accepted at a first reading may be limited at the second reading but not nullified.

Parliamentary procedure has been imposed upon the House and adopted by it as a model. Its conventions can hardly be said to have grown up, because they have been accepted.

The reasons for which questions and resolutions are disallowed have been already dealt with.

## Committees.

Four permanent Committees have been appointed. They are as follows :—

(a) The Housing Committee.

This Committee is appointed to consider the provision of housing for Government officers. It consists of two officials and four elected non-officials. It is useful from the Government's point of view since the non-official members become acquainted with the real requirements of Government servants in respect to bungalow accommodation and therefore support all reasonable proposals in the Legislative Council.

(b) The Library Committee.

This merely looks after the Council Library and is of no importance.

(c) The Public Accounts Committee.

This is a statutory Committee. It only meets once a year. It considers the Accountant General's Audit Report and produces a report of its own suggesting remedies for defects which are brought to light.

(d) The Finance Committee.

This consists of 12 elected members and 4 nominees of Government and meets to criticize and consider the Budget.

Besides the aforesaid permanent Committee select committees are appointed to consider Bills. The names of the members are generally proposed by the Member of Government in charge of the Bill, but other names are sometimes suggested by the members either in addition to or in substitution for those proposed by Government. Usually Government offers no opposition ; but if it does so, the matter is usually not pressed. On two occasions however the question regarding the personnel of a Select Committee was carried to a division and upon one of these occasions Government was defeated. Such incidents are exceedingly rare.

Committees are departmentally appointed by Government in consequence of Resolution passed or action taken in the Council. The Retrenchment Committee has already been mentioned. The Legislative Council threw out the Budget provision for the establishment of a special officer who had been appointed to enquire into Secretariat procedure with a view to retrenchment and only consented to its restoration on condition that the enquiry were entrusted to a Committee consisting of non-official Members of the Legislative Council in addition to the officer already appointed. The Committee held a very full and searching enquiry into the whole administration and made very drastic suggestions which have yet to be considered by Government. Other similar Committees have been departmentally appointed in consequence of Council resolutions. Such was the Prostitution Committee which dealt with the problem of prostitution in Bombay. Such also was the Excise Committee which is investigating the drink question throughout the Presidency and has yet to make its report.

4. (1) Party of Organization.

The Chief Secretary is responsible for the official vote. Apart from Government officials, there is no organized party. The Ministers as already mentioned have no regular party behind them. It follows that there can be no party whips. A good deal of lobbying work is done by certain individual members but this is not organized. There is practically no party organization in the usual sense of the word.

Consultation amongst communal groups as to the concerted attitude to be taken on particular measures is common enough. Conferences between Government and the more influential members are frequently held. A notable instance occurred in the Budget session of 1922 after the rejection of the Entertainments Tax Bill, when a conference of this kind was held and an agreement made that the remaining Bills should be passed provided that a 60 lakh cut were made from the Budget. These are the only sort of conferences which are possible under present conditions as there are no organised parties.

5. (2) Arrangement of Business.

Government business is taken up first. The usual arrangements is for His Excellency the Governor to allot so many days to non-official business after the conclusion of Government business, since it is seldom possible to predict what time the latter will take. Owing to the shortness of the session it is rarely possible to pass a controversial Bill in all its stages at a single one. Occasionally, however, the session is divided into two periods with a break of a month between to enable the mass of legislation to go through. This was done last year in order that the House might pass the Local Boards, Compulsory Education and Entertainments Tax Bills. Under rule 18 of the Council Rules Government Bills are invariably published to avoid delay entailed by asking for leave of the House to introduce them.

For non-official business questions are taken daily for half an hour or an hour as required and the stereotyped order is (1) non-official bills, (2) motions to amend Standing Orders, (3) resolutions. The first have been few in number and of very minor importance. The Standing Orders have been

amended several times. Priority of resolutions is settled by ballot, each member then moving his own in turn. With the permission of the President special priority may be given to a member: but in practice this is only done with the consent of all the members who are prior to him according to the ballot. Although a member may give notice of many resolutions in a single session he must state 15 days before in what order he intends to move them. In practice the time allotted to non-official business is insufficient to allow all members who give such notice to move even the first resolution standing upon the list of each.

(6) Party Leaders, their policies and adherents.

As already indicated there are no well-defined parties in the House and so no leaders. There are prominent personalities whose utterances are listened to with respect and who may decisively influence the issue of a debate. But there is no acknowledged leader who can control effectively the votes of the smallest block in the House.

## C.—The Constituencies and the Public.

(1) The Electorate.

The population of the Presidency at the last census was 19,235,219 and the number of electors on the rolls at the time of the last election was 549,097 or 2·8 per cent. of the whole. The number of persons who actually voted at the election was 98,863 or only 18·004 per cent. of the voters enrolled and ·501 of the total population.

There have been five contested bye-elections in the Presidency since 1921. The possible number of voters was 85,496 and the total number who voted was 11,042. The percentage of electors who voted was therefore 12·9.

(2) Interest evinced by constituencies and the public in the work of the Council.

This point has already been dealt with above and I need only repeat that except in Bombay very little interest is taken by the electors or by the public in the affairs of Council. The proceedings of the Council are reported in the "Bombay Chronicle" and in the Indian Press but only the educated minority follow them. The great mass of the people, including probably the bulk of the electorate, are indifferent. Such at least is the opinion of the district officers and the neglect of their constituencies by most of the members goes far to confirm it. The Director of Information distributes a great number of pamphlets dealing with the work of Council but it is doubtful how far these reach the masses or excite any interest.

## Conclusion.

In conclusion I may say that it is early at present to attempt an appreciation of the working of the Reforms. There has so far been no time for the Members of the Legislative Council to gain experience, to adopt conventions or to recognise the limitations on the powers and functions of the Legislative

body. The scheme so far is only half working. The Ministers occupy an anomalous position. They were appointed before the Legislative Council had begun to function, and this naturally affects their position in the House. In the future it may be that the Ministers as a party will represent an ascertainable majority in the House, and their measures will then be the measures of that majority acting under their guidance and leadership. But till that is the case, it cannot be said that there has been a proper opportunity of testing the working of Parliamentary control over Transferred subjects.

# APPENDIX A.

## STATEMENT OF BILLS.

*Statement showing the various stages of Bills in the Legislative*

| Serial No. | Title of Bill. | From what source received. | Date of introduction. | Date of publication and name of Member in charge. | Date of Translations. | Date of first Reading. | Date on which referred to Select Committee. | Names of Members of Select Committee. |
|---|---|---|---|---|---|---|---|---|
| | 1921. | | | | | | | |
| 1 | A Bill to facilitate the citation of certain Acts in force in the Presidency of Bombay (Bill No. XIII of 1920). | J. D. Memo. No. 4894, dated 27th May 1920. | 15-3-21 | 30th August 1920 and 13th January 1921. Hon. Mr. Hayward. | .. | 15-3-21 | .. | .. |
| 2 | A Bill further to amend the Bombay Land Revenue Code, 1879 (Bill No. I of 1921). | R. D. Memo. No. 1312, dated 18th May 1920. | Do. | 13th January 1921, the Hon. Sir Ibrahim Rahimtoola. | 27-1-21 | Do. | 15-3-21 | Sir Ibrahim Rahimtoola, Rao Bahadur Kale, Messrs. Pahalajani, Chikodi, Thakore of Amod, Mr. Baker, Mr. Pratt, Sardar Mutalik, and Rao Bahadur Nilkanth. |
| 3 | A Bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. II of 1921). | G. D. Memo. No. 5703, dated 20th May 1920. | Do. | 13th January 1921. Hon. Hidayatallah. | Do. | Do. | Do. | Hon. Khan Bahadur, Hidayatallah, Mr. Kowasji Jehangir, Dr. Dadachanji, Mr. Dumasia, Mr. Havelivalla, Rao Bahadur G. K. Sathe, Dr. Batliwala, and Mr. Surve. |
| 4 | A Bill further to amend the Bombay Act No. V of 1862 (an Act for the preservation of the Bhagdari and Narwadari Tenures) (Bill No. III of 1921). | R. D. Memo. No. A.-30, dated 17th December 1920. | Do. | 13th January 1921. Hon. Sir Ibrahim Rahimtoola | Do. | Do. | Do. | Sir Ibrahim Rahimtoola, Rao Bahadur Nilkanth Rao Bahadur Chitale, Rao Saheb P. D. Desai, Rao Saheb D. P. Desai, Mr. Gandhi Mr. Baker, Mr. Ghosal, Mr. Ambaram, and The Thakore of Amod. |
| 5 | A Bill to determine the salary of the Deputy President of the Bombay Legislative Council (Bill No. IV of 1921). | G. R. L. D. No. 263, dated 21st February 1921. | Do. | 22nd February 1921. Hon. Sir Setalvad. | .. | Do. | .. | .. |
| 6 | A Bill further to amend the Bombay General Clauses Act, 1904 (Bill No. V of 1921). | G. R. L. D. No. 337, dated 3rd March 1921. | .. | 3rd March 1921. Hon. Sir Setalvad. | .. | .. | .. | .. |
| 7 | A Bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. VI of 1921) | G. D. Memo. No. 539, dated 6th April 1921. | 25-7-21 | 8th April 1921. Hon. Khan Bahadur Hidayatallah | .. | 26-7-21 | 26-7-21 | Hon. Khan Bahadur Hidayatallah, Mr. Cowasji Jehangir, Dr. Dadachanji, Mr Havelivalla, Mr. P. R. Cadell, Rao Bahadur Chitale, Rao Bahadur Nilkanth, Mr. K. Dwarkadas, Mr. Gandhi, and Mr. I. S. Haji. |
| 8 | A Bill further to amend the Bombay Hereditary Offices Act, 1874 (Bill No. IX of 1921). | Letter from Rao Bahadur R. R. Kale, dated 21st April 1921. | 26-7-21 | 5th August 1921. Rao Bahadur Kale. | 25-8-21 | .. | .. | .. |
| | A Bill further to amend the Prince of Wales' Museum Act, 1909 (Bill No. VII of 1921). | G. R. L. D. No. 1294, dated 28th July 1921. | 4-8-21 | 28th July 1921. Hon Paranjpye. | .. | 4-8-21 | 4-8-21 | Hon. Mr. Paranjpye, Messrs. Brander, Jehangir, Dewan Bahadur Godbole, Messrs. Macnaughten Wadia and Bole. |

*Council of the Governor of Bombay since 1921.*

| Date of publication of the report. | Date of presentation of report. | Date of second Reading. | Date of consideration of Bill clause by clause. | Date of third Reading and passing. | Date of assent by His Excellency the Governor. | Date of assent by His Excellency the Governor General. | Date of publication and number of Act. | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| .. | .. | 15-3-21 | 15-3-21 | 15-3-21 | 11-4-21 | 1-6-21 | 21st June 1921 Bombay Act II of 1921. | |
| 18-5-21 | 25-7-21 | 25-7-21 | 25-7-2 | 25-7-21 | 28-9-211 | 2-11-21 | 2nd December 1921. Bombay Act III of 1921. | |
| 15-4-21 | Do. | Do. | Do. | Do. | Do. | Do. | 2nd December 1921. Bombay Act IV of 1921. | |
| 25-6-21 | Do. | .. | .. | .. | .. | .. | .. | The Bill was withdrawn at the 4th session of the Council on the 17th October 1921. |
| .. | .. | 15-3-21 | 15-3-21 | 15-3-21 | 11-4-21 | 20-5-21 | 11th June 1921 Bombay Act I of 1921. | |
| .. | .. | .. | .. | .. | .. | .. | .. | This Bill was withdrawn on the 15th March 1921. |
| 28-9-21 | 7-10-21 | 7-10-21 | 8-10-21 | 8-10-21 | 10-11-21 | 24-12-21 | 18th January 1922. Bombay Act VII of 1921. | |
| .. | .. | .. | .. | .. | .. | .. | .. | Motion for the first Reading rejected by the Legislative Council on 28th September 1921. |
| 17-9-21 | 8-10-21 | 8-10-21 | 8-10-21 | 8-10-21 | 10-11-21 | 10-12-21 | 28th December 1921. Bombay Act VI of 1921. | |

*Statement showing the various stages of Bills in the Legislative*

| Serial No. | Title of Bill. | From what source received. | Date of introduction. | Date of publication and name of Member in charge. | Date of Translations. | Date of first Reading. | Date on which referred to Select Committee. | Names of Members of Select Committee. |
|---|---|---|---|---|---|---|---|---|
| | 1921—*contd.* | | | | | | | |
| 10 | A Bill to restrict the transport of cotton in certain areas (Bill No. VIII of 1921). | G. R. L. D. No. 1240, dated 22nd July 1921. | .. | 23rd July 1921, Hon. Mr. Mehta | 11-8-21 | .. | .. | .. |
| 11 | A Bill to repeal section 32 of the Bombay Civil Courts Act, 1869 (Bill No. XII of 1921). | Letter from Mr. Pahalajani, dated 6th August 1921. | 29-9-21 | 24th Octr. 1921, Mr. Pahalajani | 17-11-22 | .. | .. | .. |
| 12 | A Bill further to amend the City of Bombay Police Act, 1902. (Bill No. X of of 1921). | G. R. L. D. No. 1639, dated 17th September 1921. | 10-10-21 | 15th September 1921, Hon. Mr. Hayward. | .. | 10-10-21 | .. | .. |
| 13 | A Bill to repeal the Bombay Cotton Contracts Control (War Provisions) 1919: (Bill No. XI of 1921). | G. R. L. D. No. 231-P., dated 21st September 1921. | 8-10-21 | 19th September 1921, Hon. Sir Ibrahim Rahimtoola | .. | Do. | .. | .. |
| 14 | A Bill to repeal the Bombay Act No. V of 1862 (an Act for the preservation of Bhagdari and Nardari (Tenures). | Letters from Mr. Antoldas, dated 19th August and 26th September 1921). | .. | .. | .. | .. | .. | .. |
| 15 | A Bill further to amend the Prevention of Cruelty to Animals Act, 1890 (Bill No. XIII of 1921). | G. R. L. D. No. 1911, dated 27th October 1921. | 21-7-22. | 28th Octr. 1921, Hon. Mr. Hayward. | 24-11-21 | 21-7-22 | 21-7-22 | Hon. Mr. Hayward, Messrs. Purshotamdas Petit, Surve,. R. B. Kale, Messrs Haji, Griffith, Painter, Hulkoti, and Nimbalkar. |
| 16 | A Bill further to amend the Matadars Act, 1887 (Bill No. XIV of 1921. | G. R. L. D. No. 1949, dated 2nd November 1921. | Do. | 3rd November 1921. Hon. Sir Ibrahimé Rahimtoola. | 17-11-21 .. | Do. | .. | |
| 17 | A Bill to make provision for the management and control of certain open spaces in the City of Bombay (Bill No. XV of 1921). | G. R. L. D. No. 2344, dated 23rd December 1921. | Do. | 28th December 1921. Hon. Hidayatallah. | 12-1-22 | Do. | 21-7-22 | Hon. Mr. Hidayatallah, Messrs. Petit, Kanj Dwarkadas, Haji, Proes, Pradhan, R. B. Kale, Mr. Nelson, Mr. Purshotamdas, and Dr. Dadachanji. |
| | 1922. | | | | | | | |
| | The Mahul Creek Extinguishment of Rights Bill. (Bill No. I of 1922). | G. R. L. D. No. 184.; dated 24th January 1922. | 16-3-22 | 26th January 1922. Hon. Sir Setalvad. | 23-2-22 | 16-3-22 | .. | .. |
| 2 | A Bill to repeal the Bombay Cotton Contracts Control (War Provisions Act 1919, (Bill No. 11 of 1922) | G. R. L. D. No. 278. dated 6th February 1922. | 25-2-22 | 7th February 1922. Hon. Mr. C. Jehangir. | .. | 29-3-22 | .. | .. |

*Council of the Governor of Bombay since 1921*—contd.

| Date of publication of the report. | Date of presentation of report. | Date of second Reading. | Date of consideration of Bill clause by clause. | Date of third Reading and passing. | Date of assent by His Excellency the Governor. | Date of assent by His Excellency the Governor General. | Date of publication and number of Act. | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| .. | .. | .. | .. | .. | .. | .. | .. | Bill withdrawn at the meeting of the Legislative Council held on 16th March 1922 |
| .. | .. | .. | .. | .. | .. | .. | .. | Bill withdrawn at the meeting held on 28th July 1922. |
| .. | .. | 10-10-21 | 10-10-21 | 10-10-21 | 10-11-21 | 23-11-21 | 8th December 1921, Bombay Act V of 1921. | |
| .. | .. | Do. | Do. | Do. | 8-11-21 | .. | .. | Assent of His Excellency the Viceroy and Governor-General withheld. |
| .. | .. | .. | .. | .. | .. | .. | .. | Motion for introduction lapsed on 18th March 1922 owing to absence of mover. |
| 31-8-22 | 21-9-22 | 21-9-22 | 21-9-22 | 22-9-22 | 23-10-22 | 8-12-22 | 28th December 1922. Bombay Act XIII of 1922 | |
| .. | .. | 21-7-22 | 21-7-22 | 21-7-22 | 14-8-22 | 28-9-22 | 13th October 1922, Bombay Act VIII of 1922. | |
| .. | .. | .. | .. | .. | .. | .. | .. | Bill withdrawn from the Council at a meeting held on 22nd September 1922. |
| .. | .. | 16-3-22 | 16-3-22 | 16-3-22 | 6-4-22 | 3-5-22 | 20th May 1922 Bombay Act IV of 1922 | |
| .. | .. | 25-2-22 | 25-2-22 | 25-2-22 | 21-3-22 | 26-4-22. | 5th May 1922. Bombay Act III of 1922. | |

*Statement showing the various stages of Bills in the Legislative*

| Serial No. | Title of Bill. | From what source received. | Date of introduction. | Date of publication and name of Member in charge. | Date of Translations. | Date of first Reading. | Date on which referred to Select Committee. | Names of Members of Select Committee. |
|---|---|---|---|---|---|---|---|---|
| | 1922—*contd.* | | | | | | | |
| 3 | A Bill to impose a duty in respect of admission to entertainments (Bill No. III of 1922). | G. R. L. D. No. 289, dated 10th February 1922. | 23-2-22 | 14th February 1922. Hon. Mr. C. Jehangir. | 2-3-22 | .. | .. | .. |
| 4 | A Bill further to amend the Bombay Prevention of Gambling Act, 1887 (Bill No. IV of 1922). | G. R. L. D. No. 312, dated 13th February 1922. | 25-2-22 | 14th February 1922. Hon. Mr Hayward. | 2-3-22 | 25-2-22 | 25-2-22 | Hon. Mr. Hayward, Messrs. K. Dwarkadas, Haji, M. Saluddin, Macnaughton, Surve, Gupte, and Dr. Batliwala. |
| 5 | A Bill further to amend the Indian Stamp Act, 1899 (Bill No. V of 1922). | G. L. R. D. No. 311, dated 13th February 1922. | Do. | 14th February 1922. Hon. Sir Setalvad. | 9-3-22. | Do. | Do. | Hon. Sir Setalvad, Rao Saheb H. Desai, Messrs. Hayward, Bhate, Nimbalkar, R. B. Nilkanth, Messrs. K. Dwarkadas, Haveliwala, Mead, Khan Bahadur Hidayatallah, Messrs. Ferrira, Dusasia, Chaugule, R. B. Chitale, Messrs. Ojha, Petit, and Trivadi. |
| 6 | A Bill further to amend the Court Fees Act, 1870, and and the Presidency Small Cause Court Act, 1882 Bill No. VI of 1922). | G. R. L. D. No. 313, dated 13th February 1922. | Do. | Do. .. | 23-3-22. | Do. | Do. | Ditto ditto. |
| 7 | A Bill further to amend the City of Bombay Municipal Act, 1888 (Bill No. VII of 1922). | G. R. L. D. No. 337, dated 15th February 1922. | 17-3-22. | 15th February 1922. Hon. Khan Bahadur Hidayatallah. | Do. | 17-3-22 | 17-3-22 | Hon. Khan Bahadur, Hidayatallah, Messrs Dumasia, Dadachanji, Kanji, Haji, Bole, R. B. Chitale, R. B. Kale, Messrs. Ker Thomas, Vichare, Nimbalkar, Petit, Purshotamdas, and Haveliwala. |
| 8 | A Bill further to amend the Prince of Wales' Museum Act, 1909 (Bill No. VIII of 1922). | G. R. L. D. No. 359, dated 16th February 1922. | 21-7-22 | 17th February 1922 Hon. Mr. Paranjpye | 27-4-22 .. | 21-7-22 | 21-7-22 | Hon. Dr. Paranjpye, Khan Bahadur Hidayatallah, Messrs. C. Jehangir, Bhate, Ker Trivedi Jadhav, and Purshotamdas. |
| 9 | A Bill further to amend the Karachi Vaccination Act, 1879 (Bill No. IX of 1922). | G. R. L. D. No. 340, dated 15th February 1922. | Do. | 15th February 1922: Hon. Mr. Paranjpye | 16-3-22 | Do. | .. | .. |
| 10 | A Bill further to amend the Prince of Wales Museum Act, 1909 (Bill No. X of 1922). | G. R. L. D. No. 1286, dated 27th June 1922. | Do | 28th June 1922. Hon. Dr. Paranjpye. | .. | Do. | 21-7-22 | Hon. Dr. Paranjpye, Khan Bahadur Hidyatallah, Mr. C. Jehangir, Messrs. Bhate, Ker, Trivedi, Jadhav, and Purthotamdas. |

*Council of the Governor of Bombay since 1921*—contd.

| Date of Publication of the report | Date of presentation of report. | Date of second Reading. | Date of consideration of Bill clause by clause. | Date of third Reading and passing. | Date of assent by His Excellency the Governor. | Date of assent by His Excellency the Governor General. | Date of publication and number of Act. | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| .. | .. | .. | .. | .. | .. | .. | .. | Motion for the first Reading lost at the meeting of the Legislative Council on 23rd February 1922. |
| 7-3-22 .. | 16-3-22 | 16-3-22 | 16-3-22 | 16-3-22 | 6-4-22 .. | 17-5-22.. | 5th June 1922 Bombay Act V of 1922. | |
| 4-3-22 .. | 15-3-22 | 15-3-22 | 15-3-22 and 16-3-22 | Do. .. | 29-3-22 | 13-4-22 | 22nd April 1922. Bom-Act II of 1922. | |
| Do. .. | 10-3-22 | 10-3-22 | 10th, 11th and 13-3-22 | 13-3-22 | 25-3-22 | Do. .. | 22nd April 1922. Bom-Act I of 1922. | |
| 7-7-22 | 22-7-22 | 24-7-22 | 24th, 25th, 26th & 27-7-22 | 31-7-22 | 30-8-22 | 22-9-22 | 27th September 1922. Bombay Act VI of 1922. | |
| 14-8-22 | 22-9-22 | 22-9-22 | 22-9-22 | 22-9-22 | 23-10-22 | 8-12-22 | 28th December 1922. Bombay Act XII of 1922. | |
| .. | .. | 21-7-22 | 21-7-22 | 21-7-22 | 30-8-22 | 27-9-22 | 16th October 1922. Bombay Act VII of 1922. | |
| .. | .. | .. | .. | .. | .. | .. | .. | Incorporated the Select Committee with Bill No. VIII of 1922. |

*Statement showing the various stages of Bills in the Legislative*

| Serial No. | Title of Bill. | From what source received. | Date of introduction. | Date of publication and name of Member in charge. | Date of Translations. | Date of first Reading. | Date on which referred to Select Committee. | Names of Members of Select Committee. |
|---|---|---|---|---|---|---|---|---|
| | 1922—*contd.* | | | | | | | |
| 11 | A Bill further to amend the Aden Port Trust Act, 1888 (Bill No. XI of 1922). | G. R. L. D. No. 1372, dated 11th July 1922. | 22-7-22 | 12th July 1922. Hon. Sir Setalvad. | .. | 22-7-22 | .. | .. |
| 12 | A Bill further to amend the law relating to public ferries in the Presidency of Bombay (Bill No XII of 1922). | G. R. L. D. No. 1407, dated 14th July 1922. | Do. | 14th July 1922. Hon. Khan Bahadur Hidayatallah. | 27-7-22 | 22-7-22 | 22-7-22 | Hon. Khan Bahadur Hidayatallah, Mr. Ferrira, Thakor, of Amod Messrs Mountford, Thomas, R. B. Vichare, Kale, Sarda, Mutalik Mr. Jadhav Sardar Dalal. |
| 13 | A Bill to provide for the regulation and control of transactions in cotton in the presidency of Bombay (Bill No. XIII of 1922). | G. R. L. D. No. 1450, dated 21st July 1922. | 25-7-22 | 21st July 1922. Hon. Sir Ibrahim Rahimtoola. | .. | 25-7-22 | 25-7-22 | Hon'ble Sir Ibrahim, Messrs. Petit, Mangaldas, Kanji, Nelson, Purshotamdas, Sardar Mutalik, R. S. D. P. Desai, Messrs. Kasim, Jadhav, Hulkoti, and Thomas. |
| 14 | A Bill to amend the Identification of Prisoners Act 1920. (Bill No. XIV of of 1922). | G. R. L. D. No. 1585 dated 11th August 1922. | 22-9-22 | 12th August 1922. Hon. Mr. Hayward. | .. | .. | .. | .. |
| 15 | A Bill further to amend the Bombay Rent (War Restrictions) Act, 1918, the Bombay Rent (War Restrictions No. 2) Act, 1918 (Bill No. XV of 1922). | G. R. L. D. No. 1637, dated 18th August 1922. | 27-9-22 | 21st August 1922. Hon. Sir Setalvad. | 7-9-22 | 29-9-22 | 29-9-22 | Hon'ble Sir Stalvad, Mr. Purshotamdas, Dr. Dadachanji, Mr. Trivedi, Dr. Bataliwala Messrs. Ferriru, Surve, Bole, Kanji, D. B. Godbole, Messrs. Ker, Haji, Haveliwala, Addyman, Kassim, Ojha, Gandhi, R. S. H. Desai, Kanga, and Shirraz. |
| 16 | A Bill to consolidate and amend the Law relating to Local Boards (Bill No. XVI of 1922). | G. R. L. D. No. 1653, dated 21st August 1922. | 22-9-22 | 24th August 1922. Hon. Khan Bahadur Hidayatallah. | 9-11-22 | 26-9-22 | 27-9-22 | Hon'ble Hidayatallah, Dr. Paranjpye, Mr. Mountford, R. B. Chitale, Kale, Vichare R. S. H. Dessai, Khan Bahadur Cooper, Mr. Pahalajani, Khan Bahadur Bhutto, K. S. Mansuri, Messrs. Haji, Rothfeld, Jadhav, Ker, Kambli, Pradhan, R. R. S. D. P. Desai. |
| 17 | A Bill to provide for compulsory elementary education and to make better provision for the management and control of primary education in the Bombay Presidency (Bill No. XVII of of 1922). | G. L. R. D. No. 1777, dated 6th September 1922. | 29-9-22 | 7th September 1922. Hon. Dr. R. Paranjpye. | 28-9-22 | 4-10-22 | 4-10-22 | Hon'ble Dr. Paranjpye, Khan Bahadur Hidayatallah, Messrs. Ker, Lory, Jadhav, Chikodi R. B. Chitale, Kale. Mr. Gandhi, Khan, Bahadur Cooper, Bhutto, Mr. Pahalajani, R. S. Halkati, Mr. Gholap, K. S Mansuri, Mr. Salauddin, Mr. Kambli, R. S. H. Desai. |

*Council of the Governor of Bombay since 1921.*—contd.

| Date of publication of the report. | Date of presentation of report. | Date of second Reading. | Date of consideration of Bill clause by clause. | Date of third Reading and passing. | Date of assent by His Excellency the Governor. | Date of assent by His Excellency the Governor General. | Date of publication and number of Act. | Remarks. |
|---|---|---|---|---|---|---|---|---|
| .. | .. | 22-7-22 | 22-7-22 | 22-7-22 | 24-8-22 | 17-10-22 | 1st November 1922. Bombay Act IX, of 1922. | |
| 1-9-22 .. | 20-2-23 | 20-2-23. | 20-2-23 | 20-2-23 | 7-3-23 | 18-4-23 | 30th April 1923. Bombay Act VIII of 1923. | |
| 4-9-22 | 27-9-22 | 27-9-22 | 27-9-22 | 27-9-22 | 23-10-22 | 9-12-22 | 28th December 1922. Bombay Act XIV of 1922. | |
| .. | .. | 22-9-22 | 22-9-22 | 22-9-22 | Do. .. | 2-12-22 | 14th December 1922. Bombay Act XI of 1922. | |
| 13-11-22 | 4-12-22 | 4-12-22 | 4-12-22 | 4-12-22 | 31-12-22 | 24-1-23 | 3rd February 1923. Bombay Act III of 1923. | |
| 20-11-22 | 7-12-22 | 7-12-22 | 7,8,9,11,12. 13-12-22 | 16-12-22 | 23-1-23 | 5-3-23 | 17th March 1923. Bombay Act VI of 1923. | |
| Do. .. | 13-12-22 | 14-12-22 | 14-15-16-12-22 | Do. .. | 17-1-23 | 13-2-23 | 22nd February 1923. Bombay Act IV of 1923. | |

*Statement showing the various stages of Bills in the Legislative*

| Serial No. | Title of Bill. | From what source received. | Date of introduction. | Date of publication and name of Member in charge. | Date of Translations. | Date of first Reading. | Date on which referred to Select Committee. | Names of Members of Select Committee. |
|---|---|---|---|---|---|---|---|---|
| | 1922—*concld.* | | | | | | | |
| 18 | A Bill further to amend the Bombay Salt Act, 1890 (Bill No. XVIII of 1922). | G. R. L. D. No. 1792, dated 8th September 1922. | 22-9-22 | 11th September 1922. Hon. Sir Ibrahim Rahimtoola. | 21-9-22 | 22-9-22 | .. | .. |
| 19 | A Bill further to amend the Bombay Port Trust Act, 1879 (Bill No. XIX of 1922). | G. R. L. D. No. 1839, dated 13th September 1922. | 4-12-22 | 14th September 1922. Hon. Sir Setalvad. | 5-10-22 | 5-12-22 | 5-12-22 | Hon. Sir Setalvad, Messrs. Lalji, Cadell, Sir Hepper, Mr. Kanji, Mr. Haveliwala, Mr. Nelson, Sardar Dalal, Messrs. Dabholkar, Hatch, Jadahav. |
| 20 | An Act to impose a duty in respect of admission to entertainments in the Presidency of Bombay (Bill No XX of 1922). | G. R. L. D. No. 1835, dated 14th September 1922. | 4-10-22 | 16th September 1922. Hon. Mr. Lawrence. | 5-10-22 | 4-10-22 | 4-10-22 | Hon. Mr. Lawrence, Messrs. Bole, Gandhi, Clayton, Nelson, Haveliwala, Siauddin, Dr. Dadachanji, Messrs. Kanji, Mead, Griffith, Thomas, Hon. Mr. Mehta, R. B Chitale, and Mr. Haji. |
| 21 | A Bill further to amend the Bombay Hereditary Offices Amendment Act, 1886 (Bill No. XXI of 1922). | Letter from Mr. Kambli, dated 27th July 1922. | 5-10-22 | 14th October 1922. Mr. Kambli. | .. | 23-2-23 | 23-2-23 | Sir Ibrahim Rahimtoola, Mr. Chugule, R. B. Chitale, Kale, Messrs. Jadhav, Surve, Kambli, Thomas. |
| 22 | A Bill further to amend the Opium Act, 1878 (Bill No. XXII of 1922). | L. D. G. R. No. 2288, dated 8th November 1922. | 5-12-22 | 9th November 1922. Hon. Mr. Mehta. | 30-11-22 | 5-12-22 | .. | .. |
| 23 | A Bill further to amend the Bombay Boiler Inspection Act, 1917 (Bill No. XXIII of 1922). | G. R. L. D. No. 2505, dated 2nd December 1922. | 19-2-23 | 4th December 1922. Hon. Sir Ibrahim Rahimtoola. | 14-12-22 | 19-2-23 | .. | .. |
| | 1923. | | | | | | | |
| 1 | A Bill further to amend the Prevention of Cruelty to Animals Act, 1890 (Bill No. I of 1923). | G. R. L. D. No. 390, dated 23rd February 1923. | .. | 24th February 1923. Hon. Mr. Hayward. | 1-3-23 | .. | .. | .. |
| 2 | A Bill to make better provision in the City of Bombay and elsewhere in the Bombay Presidency to prevent the adulteration of articles of food and the sale of such adulterated articles (Bill No. II of 1923) | G. R. L. D. No. 399, dated 23rd February 1923. | .. | 24th February 1923. Hon. Dr. Paranjpye. | 29-3-23 | .. | .. | .. |

*Council of the Governor of Bombay since 1921*—contd.

| Date of publication of the report. | Date of presentation of report. | Date of second Reading. | Date of consideration of Bill clause by clause.. | Date of third Reading and passing. | Date of assent by His Excellency the Governor | Date of assent by His Excellency the Governor General. | Date of publication and number of Act. | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| .. | .. | 22-9-22 | 22-9-22 | 22-9-22 | 23-10-22 | 28-11-22 | 14th December 1922. Bombay Act X of 1922.: | |
| 18-1-23 | 19-2-23 | 19-2-23 | 19 & 20-2-23 | 20-2-23 | 27-2-23 | 6-3-23 | 9th March 1923. Bombay Act V of 1923. | |
| 20-11-22 | 5-12-22 | 5-12-22 | 5, 6 & 7-12-22 | 16-12-22 | 27-2-23 | 10-1-23 | 13th January 1923. Bombay Act I of 1923. | |
| 22-3-23 | .. | .. | .. | .. | .. | .. | .. | |
| .. | .. | 5-12-22 | 5-12-22 | 5-12-22 | 31-12-22 | 24-1-23 | 3rd February 1923. Bombay Act II of 1923. | |
| .. | .. | 19-2-23 | 19-2-23 | 19-2-23 | 7-3-23 | 23-3-23 | 12th April 1923. Bombay Act VII of 1923. | |
| .. | .. | .. | .. | .. | .. | .. | .. | |
| .. | .. | .. | .. | .. | .. | .. | | |

## APPENDIX B.

B.—Legislative (*iii*) Financial Business.

3. Lists of grants which have been refused by the Legislative Council.

*Budget 1921-22.*

| | | Rs. |
|---|---|---|
| 5. | *Land Revenue.*—Grant of house rent allowances to Mamlatdars .. | 1,00,000 |
| | *Irrigation.*—Additions and alterations to Executive Engineers office, Nawabshah. | 5,000 |
| | 22. *General Administration.*—Lump provision for additional establishment in the local Audit Branch of the Accountant General's Office. | 13,000 |
| 22. | *General Administration.*—Lump provision for officer on special duty in connection with the revised system of office procedure. | 44,000 |
| 24. | *Justice.*—Reduction from Rs. 40,000 to Rs. 26,000 of the provision for the addition to the cadre of sub-Judges for leave and deputation reserve. | 14,000 |
| | 24. *Justice.*—Entertainment of temporary Assistant Judges and their establishments. | 40,000 |
| | 26. *Police.*—Reorganization of th C. I. D. in the Presidency Proper. | 50,000 |
| 26. | *Police.*—Partition of Ahmedabad into two districts for police purposes. | 50,000 |

*Supplementary grants, 1921-22.*

| | | |
|---|---|---|
| 24. | *Justice.*—Entertainment of Temporary Assistant Judges and their establishments. | 40,000 |

*Budget, 1922-23.*

| | | |
|---|---|---|
| 5 | *Land Revenue.*—Provision for field establishment .. .. | 95,614 |
| 8. | *Forests.*—Reduction of Rs 10,000 in the lump provision for certain subordinate establishment. | 10,000 |
| 8. | *Forests.*—Reduction of Rs. 10,000 in the provision for technical establishment for the Forest Department. | 10,000 |
| 8. | *Forests.*—Advance increment, Extra Assistant conservators. | 61,200 |
| 25. | *Jails.*—Entertainment of European Matron, Yeravda Central Prison. | 720 |
| 25. | *Jails.*—Reward allowance to Sub-Assistant Surgeons attached to Jails. | 6,000 |
| 26. | *Police.*—House rent allowances for Sub-Inspectors in Sind | 9,850 |
| 26. | *Police.*—House rent to police, Bombay City .. .. | 9,840 |
| 26. | *Police.*—Additional Sub-Inspectors for Finger Print Bureau, Poona. | 6,100 |
| 26. | *Port and Pilotage.*—Increased salaries to Ship Surveyors .. | 6,900 |
| 31. | *Education.*—Reduction in the provision for grant for apparatus to D. G. Sind College, Karachi. | 12,000 |
| 35. | *Industries.*—Additional establishment for office of Director. | 2,365 |
| 35. | *Industries.*—Establishment of a small industrial Museum | 3,650 |
| 37. | *Miscellaneous Departments.*—Revision of salaries of Amalgamated Factory Department. | 26,000 |
| 46 | *Stationery.*—Printing of Vernacular Readers (accepted by Government without a division.) | 80,000 |

| | Rs. |
|---|---|
| 5. *Land Revenue.*—Revision of pay of village establishment in Sind. | 25,000 |
| 22. *General Administration.*—Reduction of pay of Ministers .. (On account of reduction of pay of Ministers from Rs. 5,333⅓ to Rs. 4,000 per mensem.) | 48,000 |
| 26. *Police.*—Revision of pay of Provincial Police officers .. | 70,000 |
| 59. *Bombay Development Scheme.*—Reduction of provision for .. Ambarnath Electric Supply Power Station. | 5,48,620 |

In no case in 1921-22 or 1922-23 has a grant rejected by the Legislative Council been restored by His Excellency the Governor. As regards the grants rejected in 1923-24, no orders restoring them have yet issued, but the question whether His Excellency should be advised to restore the grants for village establishment in Sind and for the Provincial Police Officers is perhaps still under consideration in the Revenue and Home Departments, respectively.

## APPENDIX C.

*Standing Order X, 8 (1).*—When a resolution is under discussion, a member may, subject to the Rules and Standing Orders relating to resolutions, move an amendment to such resolution.

*Standing Order IV, 1.*—(1) When Government business has precedence the Government may arrange such business in such order as it deems fit.

(2) When non-official business has precedence, Bills shall have precedence over motions to amend the Standing Orders and motions to amend the Standing Orders over resolutions : provided that the President may give priority to any item of such business.

(2) (*a*) The relative precedence of notices of resolutions shall be determined by ballot in accordance with the procedure set out in the schedule.

Provided that the President may, on the request of the mover thereof direct that any resolution upon the agenda be moved on any day allotted to non-official business.

(3) (*a*) Bills introduced and motions to amend the Standing Orders made by non-official members shall be arranged respectively in such order as to give priority to the Bills and motions most advanced.

(*b*) Such Bills and motions at the same stage shall have priority according to the date on which notice of the Bill or motion was given.

(4) A resolution of congratulation or condolence may, with the permission of the President and subject to the provision regulating the discussion of resolution, be moved at any time.

*Schedule.*—[See Standing Order IV, 1 (2*a*).] Ballot procedure for determining relative precedence of non-official Bills and Resolutions.

(1) A member giving notice of more than one resolution shall number his resolutions in the order in which he desires to move them, provided that he may alter such order at any time within the period of notice by intimation given to the Secretary.

(2) The Secretary will keep a numbered list and will enter the name of each member who has given notice of a resolution upon that list.

(3) On the eight day previous to the commencement of the session a ballot will be held in the Committee-room before the Secretary at which any member who wishes to attend may do so.

(4) Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.

(5) A clerk will take out at hazard from the box one of the papers and the Secretary will call out from the list the corresponding name, which will then be entered on a priority list. This procedure will be carried out till all the numbers have been drawn.

(6) Priority on the list will entitle the member to priority in moving that resolution to which he himself has given priority under Rule 1 of the Schedule.

Provided that if a resolution to which prority is given under Rule 1 is disallowed the next resolution standing in the member's name may be moved in its place.

(7) Priority on the list shall also entitle a member to priority in respect of his subsequent resolutions; provided that after a member has moved a resolution, he shall not move another resolution until every other member has had an opportunity of moving a resolution standing in his name in the list of business.

*Standing Order VI, 10.*—A member to whom a supplementary question is addressed may decline to answer without notice, in which case the supplementary question may be put only in the form of a fresh question at a subsequent meeting of the Council.

*Standing Order VIII, 15.*—The member in charge may at any stage of a Bill withdraw the Bill without discussion.

*Standing Order XII, 7.*—The President shall have power to regulate the conduct of business in the Council in all matters not provided for in the Act, the Rules or the Standing Orders.

*Standing Order V, 1.*—If the President on a count at any time during a meeting ascertains that 25 members are not present, he shall adjourn the Council till the next day on which the Council would ordinarily sit.

Provided that no such adjournment shall be ordered unless a warning bell is rung for three minutes in the library and the refreshment room to enable absent members to resume their places.

*Standing Order VII, 1.*—(*1*) Leave to make a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance must be asked after questions and before the business for the day is entered upon.

* * * * *

(3) If the President is of opinion that the proposed motion is in order, he shall read the motion to the Council and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who support the motion for adjournment to rise in their places; and if more than 30 members rise accordingly, the President shall intimate that the business of the Council will be adjourned at 4 o'clock for the purpose of discussing the motion. If less than 30 members rise the President shall inform the member that he has not the leave of the Council.

*Standing Order VII, 2*—(1) The debate on the motion if not earlier concluded, shall terminate at 6 o'clock, and thereafter no question in respect of the motion shall be put.

*Standing Order XI, 1-A.*—When the demands made in accordance with Rule 26 or 31 relate to any new scheme or revision of scale of pay or allowances or creation of a new appointment, all material details of such scheme or revision shall be supplied to all members as early as possible.

*Standing Order XI, 1.*—A copy of Budget and the detailed estimates shall be placed upon the table for the use of the members of the Council on the day of the presentation of the Budget and shall also be despatched to each Member of the Council at least fourteen days prior to the first of the days allotted for the voting of demands for grants under Rule 27.

Provided that any delay in the presentation or despatch may be condoned by the President in the case of any circumstances beyond the control of Government.

Provided also that at least seven days shall elapse between the first day of the session when the Budget is to be presented and the first day of the voting of demands.

## APPENDIX D.

### PARTY PROGRAMME.

*The Western India National Liberal Association.*

The following is the Liberal Party's programme as passed at its Conference held at Karad (Satara District) on the 19th and 20th May 1923:—

"in view of the fact that it has become highly necessary to lay down a programme for the Liberal Party to work with, this Conference—

(*a*) Declares that the Liberals have full faith in the Parliamentary system of Government and would, acting on their creed of co-operation wherever possible and opposition wherever necessary endeavour to—

(1) press for immediate and complete autonomy in the Provinces and substantial responsibility in the Central Government;

(2) press upon Government the necessity of retrenchment and economy all around;

(3) insist that the taxation should be so adjusted as to be in proportion to the ability to bear the burden;

(4) endeavour to secure social and political enfranchisement by work inside and outside Councils;

(5) to take all measures necessary for the uplift of the backward and depressed classes.

(*b*) Urges all members of the Party—

(1) to educate the electorate about the soundness of the Liberal principles establishing organisations in towns and villages by collecting funds to carry on propagandist work throughout the year;

(2) to induce it to elect as its representatives without regard for caste and creed only those who are fit and pledged to carry out these principles and also to insist upon the Government to follow the same policy in recruiting for the responsible posts in the administration;

(3) to encourage the use and production of *Swedeshi* articles;

(4) to endeavour to promote all measures calculated to make for the educational and economic advancement of the masses and to secure their moral and social relations at the hands of the Government.

(*c*) Appoints a central committee for the presidency consisting of the President (Mr. C. M. Gandhi), the Honourable Mr. C V. Mehta, the Honourable Dr. R. P. Paranjpye, Mr. N. M. Joshi, and Mr. G. K. Deodhar (with powers to co-opt) to take all

steps necessary to organise the party immediately in consultation with the leaders of the Liberal Party on the lines of the programme laid down above."

To carry out the programme it was announced at the Conference that the Party would need Rs. 50,000 as funds for the purpose. Rupees 1,700 were subscribed at the meeting. The Party has its *propaganda Committee* with head offices in Bombay City. It has issued during the past year and a half a number of leaflets against the non-co-operation movement and on the methods of attaining *Swaraj*, etc. One of the resolutions passed at Karad favoured the adoption by the elected members of the Legislative Assembly of refusing such further supplies of money as they think fit, as a protest against the Viceroy's certification of the Finance Bill doubling the salt tax. The Party is against the appointment of the Royal Commission on the Public Services. One of the principal planks in its forthcoming electioneering campaign is likely to be "The Kenya Problem."

## BENGAL.

Letter no. 7508-A., dated the 21st July 1923.

From—The Chief Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Home Department.

I am desired to refer to your letter no. D.-917, dated the 23rd April 1923, and to submit herewith a report on the working of the reformed constitution and its results, political, financial and administrative, in Bengal covering the period from the commencement of the Government of India Act up to the middle of July 1923. The report is arranged according to the paragraphs of your letter.

2. This report was shown in draft to the Members of the Executive Council and the Ministers, who were invited to criticise the draft. It has been accepted by them, and contains nothing to which they object.

### A.—The Executive Government.

3. (*i*) *Allocation of funds to reserved and transferred subjects*—

As regards the allocation of the revenues for the administration of reserved and transferred subjects, there has been no difficulty in arriving at an agreement between the Executive Council and Ministers under rule 31 of the Devolution Rules, and it has not been necessary to have resort to the procedure laid down in Devolution Rule 32 or 35 as a result of failure to agree. The allotment of surplus monies, if any, between the reserved and transferred subjects has always been arrived at by a joint meeting of the Executive Council and Ministers sitting together and the proposals of the Finance Department in this connection have generally been very closely followed.

As the Ministers have become more and more familiar with financial procedure, there has been an increasing demand on their part for funds at the expense of the reserved subjects. Up to now, however, an amicable working arrangement has always been arrived at.

The proportion of funds allocated to reserved and transferred departments in the three budgets presented since the inauguration of the reforms is shown below :—

| | Reserved. | Transferred. |
|---|---|---|
| 1921-22 . . . . | 70 per cent. . . | 30 per cent. |
| 1922-23 . . . . | 66 „ . . | 34 „ |
| 1923-24 . . . . | 66 „ . . | 34 „ |

The actual amount allotted to the transferred departments has remained nearly stationary and there has been a reduction of about two crores in the amount allotted to reserved departments.

The tendency of the Council to regard expenditure on reserved subjects as something in which they are not interested and by which they are not benefited makes any hope of expansion in these subjects impossible. The Ministers ars consequently inclined to oppose any increase of taxation direct or indirect unless they can point to some direct benefit reaped by the transferred departments. For example, in supporting the taxation bills which were necessitated by the deficit on general administration, they put prominently forward the promise of Government that the lion's share of any surplus after balancing the budget would go to the transferred departments, and the Minister in charge of Registration is only willing to accept the recent recommendation of the Retrenchment Committee to raise registration fees if he can announce that a substantial part at least of the proceeds will be devoted to education.

4. (*ii*) *Reinforcement or readjustment of Secretariat or other headquarters establishment necessitated by the Reforms*—

The additional appointments and the extra annual cost are shown below :—

| Particulars. | Annual cost. |
|---|---|
| | Rs. |
| 1 Executive Councillor | 64,000 |
| 3 Ministers | 1,92,000 |
| 1 President, Bengal Legislative Council | 42,000 |
| 1 Deputy President of the Bengal Legislative Council | 5,000 |
| 1 Secretary to the Agriculture and Industries Department | 33,000 |
| 1 Secretary to the Education Department | 33,000 |
| 1 Deputy Secretary, Political Department | 25,800 |
| 1 Deputy Secretary, Finance Department | 22,800 |
| 1 Deputy Secretary, Legislative Department | 14,400 |
| *3 Assistant Secretaries | 24,600 |
| Travelling allowances of 1 Executive Councillor and three Ministers | 14,500 |
| Extra ministerial establishment in the several departments of the Secretariat | 37,240 |
| Total | 5,08,340 |

* Assistant Secretaries who have replaced Under Secretaries are excluded.

Heavy additional expenditure at headquarters is an unavoidable accompaniment of dyarchy and the reformed Councils. This expenditure has led to the outcry against the topheavy nature of the Government and to attempts to compensate by the abolition of other portions of the machinery lower down such as Commissioners and Deputy Inspectors General of Police without the realisation that these are essential parts of the administration which cannot be got rid of without a radical reconstruction of the basis of Government for which the country is not yet ready.

5. (*iv*) *Co-operation between the Executive Government and the Legislature with special reference to permanent or special committees of the latter and the action taken in pursuance of their recommendations, and the use of Council Secretaries*—

(*a*) *Standing Committees*—

There are eleven standing committees of the Council attached under the orders of the Governor to the several departments of Government. The Member or Minister in charge of the department is Chairman of the

committee, and four non-official members of the Legislative Council are appointed by the Governor to each committee after consideration of the names of members elected by the Legislative Council.

Their functions are advisory and their proceedings confidential. All major questions of departmental policy and all schemes involving large expenditure are laid before them. The system was intended to provide a convenient means of explaining policy and difficulties to members of the Legislative Council, and an opportunity for enlisting their support, but no great measure of success has been attained. The Legislative Council would like to regard these standing committees as committees to supervise the working of the departments and to consider their approval as an essential preliminary to any executive action taken or to any proposal placed before the Council. Having failed in this respect they take very little interest in them and the second election of members roused no enthusiasm. The members of the standing committees themselves show little zeal; their attendance is perfunctory and in many cases they do not trouble to read the papers provided for them, while the proceedings of the committees have no influence on subsequent discussion in the Council. Members of the committees have sometimes embarrassed the Member-in-charge during a debate by failure to respect the confidential character of papers shown to them at committee meetings.

(*b*) *Special Committees*—

Fifteen committees of enquiry were appointed as a result of resolutions of the Legislative Council. The most important of these were the committees appointed—

(1) to consider the Amendment of the Bengal Tenancy Act,

(2) to prepare a scheme for the separation of judicial and executive functions,

(3) to consider the causes of recent strikes and measures for remedy,

(4) to consider the incidence of the cost of the Calcutta Police.

The first resulted in the preparation of an important Bill on which the public are now being consulted. The second and fourth have not yet led to any final solution of the problems involved, but the reports mark distinct stages on the way to conclusions, while the third resulted in the provision of machinery which in one instance led to the satisfactory settlement of a strike.

(*c*) *Council Secretaries*—

No appointments have been made. The subject was discussed by the Government in 1920-21 and in summarising the views expressed Lord Ronaldshay observed that the Members of the Executive Council were unanimous in their opinion that in the present stage of development of the new constituencies there was no place for Council Secretaries corresponding to Parliamentary Under Secretaries, while the object of the Ministers who desired the appointment of Council Secretaries was to create an office similar to that of Parliamentary Private Secretary. The Government were not prepared to add to the expense of the reforms by creating salaried posts for this purpose, and the subject was dropped. Notices of resolutions on the subject in the Council have been given but on every occasion they have been crowded out and the Council itself has shown no enthusiasm on the subject either way.

6. (*iv*) *The Reforms and Local Self-Government—*

The importance of this subject is due to the inclusion of "the development of representative institutions" among the subjects which will be enquired into by the Commission of 1929.

The subject is dealt with under five heads, *viz.*:—

(1) Calcutta Municipality.

(2) District and Local Boards and Municipalities outside Calcutta.

(3) The Bengal Village Self-Government Act, 1919.

(4) Non-co-operation activities in Local Self-Government institutions.

(5) Imposition and collection of taxes.

(1) *Calcutta Municipality—*

Some account of the Calcutta Municipal Act passed in 1923 is given in paragraph 7 of this report. It marks an advance in independent Local Self-Government. Otherwise its most significant feature is the successful demand of the Muhammadans for communal representation which the Act has secured to them for a period of nine years. In 1922, Babu Surendra Nath Mallik, a non-official member of the Legislative Council, was appointed to be Chairman of the Calcutta Corporation, a post which has always before been held by an officer of the Indian Civil Service. This appointment constituted a decided step in the direction indicated by the Reforms, it has appealed to the imagination of the public, and the non-official Chairman has on the whole done well in a post of great difficulty.

(2) *District and Local Boards and Municipalities outside Calcutta—*

The election of non-official Chairmen of District Boards was a pre-reform measure. The experiment was completed under the Reformed Government when the few District Boards which had not the privilege were given the right to elect their Chairman. Bills have been prepared but not yet introduced to amend the laws under which these authorities are constituted, but there has been no new advance during the Reform period in releasing these authorities from official control, except that in the case of Local Boards, which administer Sub-divisions of a District, orders have been issued that no official member shall stand for election as Chairman.

The transfer of the Local Self-Government Department to a Minister tends inevitably to the elimination of the local official who is regarded by popular opinion as the representative of the bureaucracy and as therefore positively harmful to the development of popular institutions. This tendency may seriously handicap the growth of these institutions by depriving them of the advice and guidance of experienced administrators at a time when these would be most valuable. The question has recently come to a head over the appointment of nominated members who are under the present law appointed by Commissioners. The question is broadly whether the appointments should be made locally on local considerations or at headquarters where political influence will have much more scope. It is intended to alter the law by making the Minister definitely responsible for the appointments.

(3) *The Bengal Village Self-Government Act, 1919—*

This important measure for the promotion of local self-government by small rural units was passed in April 1919 and up to date Union Boards under the Act have been established in 1351 out of the total number of 6875 local areas in which it is in intended that they shall ultimately be established. The majority of these 1351 Boards were established in 1920 before the inauguration of the Reforms. The Minister in charge of Local Self-Government is an ardent supporter of the policy of this Act, but two causes have combined to hinder progress. The first is that its extension depends on the number of Government officers available for fostering these institutions in their early stages, and financial stringency has made it impossible to appoint the full number required. The second is that the non-co-operators made a vigorous attack on this measure in Midnapore District in 1921 and at the end of that year it was found necessary to withdraw the Act from 227 recently constituted Union Boards in that district. The risk of a similar set-back has rendered it necessary to proceed with caution in other Districts in which the Act had not become popular before the non-co-operation agitation was at its height. A substantial extension in the near future may be looked for and in some districts the Act has undoubtedly been very popular and beneficial. The political education of the masses depends in a large measure on its success, and in a recent pronouncement the Minister has recognised its importance with reference to section 84-A. of the Government of India Act.

(4) *Non-co-operation activities in local self-government institutions—*

During the past year a substantial number of men who were avowed supporters of the non-co-operation movement have been elected as members of District Boards and Municipalities and in some cases such men have been elected to be Chairmen. There have not, however, been any instances at present in which non-co-operators have injured the local institutions to which they have been elected, and in some cases they have not only set to work to improve the administration, but have applied to the local officers of Government for assistance in doing so.

(5) *Imposition and collection of taxes—*

District Boards have no responsibility for the collection of the cess on lands which constitutes the greater part of their income. It is realised by the Collector of the District together with the land revenue. Municipalities have full responsibility for the collection of their taxes, and District Boards rely principally on their own efforts for collecting a substantial income from ferries and cattle pounds which are usually settled by auction with lessees. Laxity in the collection of taxes and aversion to the use of coercive measures have at all times been marked defects of the local authorities in Bengal. The importance of this defect cannot be overrated in view of the prospects of assumption of responsibility for the collection of provincial taxes. In the Calcutta Municipal Act there has been for many years a provision whereby failure to pay the water rate can be penalised by the cutting off of the water-supply. It is significant of the attitude of the Bengali legislator that an amendment was carried to remove from the Calcutta Municipal Act of 1923 this safeguard which is believed to be retained in most civilised countries.

It has for a long time been realised that local rates, which are low, are insufficient for providing the minimum requirements of local self-government, and this deficiency has been emphasised by the recent rise in prices and wages. Yet there has been no perceptible increase in the rates and the valuations on which the rates are levied are notoriously inadequate.

In many rural municipalities rates are not levied at the maximum amount allowed by the law, which rates are very low compared with those of European countries, and municipal commissioners always show the strongest disinclination either to be strict in valuation or to raise their rates even for a purpose, the utility of which is fully recognised.

All District Boards have for many years imposed the maximum cess on lands which is allowed by the law. The incidence of the tax in the case of tenants is so low as to be almost insignificant, and in recent years the value of their agricultural produce has increased much more rapidly than the law allows their rent to be raised. There is every reason to believe that any material improvement in the state of communications and in public conveniences, or even their maintenance in accordance with previous standards, is dependent on an amendment of the law so as to allow District Boards to increase the rate of the cess on lands. The Minister in charge of Local Self-Government has been considering the question of augmenting the resources of District Boards. He has not cared to face the question of altering the maximum of the cess on lands, and has been examining such proposals as those for the taxation of carts and markets. The reluctance of a landlord class to impose adequate local rates, their acquiescence in very indifferent communications and conditions of public health and their preference for a number of taxes on isolated articles, irrespective of their tendency to raise prices, over an all-round increase of rates, give no cause for surprise, and find a parallel in the conditions which prevailed in England not more than a hundred years ago. But these features of local self-government serve as a reminder that the immediate alternative to the existing form of government is something very far from democracy, and that the expenditure of an adequate proportion of the national income on public conveniences cannot be expected until the electorates are educated to learn their power and are constituted on a wider basis.

7. B. Legislature.

*Government Legislation—*

*Acts passed in 1921.*—During the year 1921 the Bengal Legislative Council only passed three Acts—

(*i*) the Deputy President's Act, 1921,

(*ii*) the Bengal Land Registration Amendment Act, 1921, to provide by means of additional fees for the cost of maintenance of separate accounts of estates in Bengal, and

(*iii*) the Bengal Primary Education Amendment Act, 1921, to bring the village unions and Union Boards within the purview of the Primary Education Act of 1919.

These were all minor measures and call for no remark.

*Acts passed in 1922.*—In 1922 the Council passed eight Acts—

(*i*) the Calcutta Improvement (Amendment) Act, 1922, to provide for compensation instead of costs in cases of acquisition of land by the Improvement Trust,

(*ii*) the Bengal Children Act, an important measure generally on the lines of the English Act, though not so comprehensive,

(*iii*) the Bengal Stamp Amendment Act, 1923,

(*iv*) the Bengal Court Fees Amendment Act, 1922, and

(*v*) the Bengal Amendments Tax Act, 1922,

Nos. (*iii*), (*iv*) and (*v*) were important measures of provincial taxation,

(*vi*) The Bengal Court Fees Amendment (No. II) Act, 1922, a formal measure to remove drafting defects,

(*vii*) the Bengal Excise Amendment Act, 1922, a small measure to raise the age-limit of persons to whom intoxicating liquors and drugs may be sold, and

(*viii*) the Village Chaukidari (Amendment) Act, 1922, to enable the pay of chaukidars to be raised.

*The Bengal Children Act, 1922.*—The Bengal Children Act produced a very lively debate. A large section of the members considered it to be too advanced and in particular voted against the inclusion of girls within the scope of the Bill. The more progressive party, however, carried their point as to the inclusion of girls, and a curious incident then occurred. A private member moved an amendment for the grant of powers to rescue officers to rescue minor girls who were living in houses of ill-fame and being brought up in bad ways. The Government thought that the country was not ready for such drastic powers to be given so opposed the motion. The mover challenged a division. The Government supporters moved towards the " Noes " lobby, whereupon thirteen members, who had opposed the extension of the Bill to girls at all, went by habit into that taken by the Government members and so gave the mover a majority in favour of a very drastic reform. Great interest was shown in the Bill by many advanced Indian members, who worked in co-operation with the Government and passed a salutary Act.

*The three taxation Acts.*—The three taxation Acts were passed to relieve the financial situation. The Stamp Amendment Bill was not unpopular (except in regard to bonds and mortgages) partly as it was anticipated that it would hit the European merchant more than the ordinary Indian. The real struggle was over the Court Fees Bill which affected the area outside Calcutta more seriously than the others. It was at one time very doubtful whether in face of the strong feeling of rural members it would be possible to place this Bill permanently on the statute book. Many of the rural members wanted it to be a more temporary measure. Government was saved by the occurrence of an important event elsewhere. On the day when the Court Fees Bill was to be taken for consideration the news of Mr. Montagu's resignation reached Calcutta, and when the question of the permanent or temporary nature of the Bill was under discussion, Maulvi Fazlul Huq rose to move " this Council do not reassemble after the adjournment for prayer in order to express our sincere regret and sorrow at the resignation of Mr. Montagu, the Secretary of State for India ". The Deputy President informed the member that notice of the motion had been given too late. He said that the Council was pressed for time and business must proceed. Maulvi Fazlul Huq after disputing the matter said " I am afraid, then, Sir, that we shall not reassemble after this adjournment. It is open to the members to leave and then there will be no quorum ". The Deputy President replied " let us see what happens ", and after the adjournment over 40 members, nearly all supporters of the Bill, were found present (quorum being 25). The motions to make the Court Fees Bill temporary

were lost without a division and the next most important question (the raising of the fee for a criminal information) was also disposed of before the rising of the Council. Considerable concessions had to be made later in respect of low value suits to enable the Bill to be passed, and these concessions robbed the Act of its efficacy as a means of raising revenue.

There was also objection on the part of the Europeans, Anglo-Indians and Calcutta Indians to the first part of the Amusements Tax Bill which dealt with the taxation of theatres, cinemas, etc. The rates in regard to these forms of entertainment were halved during the passage of the Bill. The tax on betting on the other hand was raised during the consideration stage by the acceptance of an amendment by a private member and this was very popular. The three Bills were passed with the help of the newly formed Ministerialist party and were strongly but vainly opposed by a group of some 35 members, mostly of the Extreme party.

*The Bengal Excise (Amendment) Bill, 1922.*—The Excise (Amendment) Bill merely carried into effect a resolution of the Council.

*The Village Chaukidari (Amending) Act, 1922.*—The consideration stage of the Village Chaukidari Amendment Bill, which had till then a smooth passage, unfortunately came on just after the Prime Minister's speech about the "steel frame". This was freely alluded to, in the debate and the Council forthwith proceeded by an amendment to take the power of fixing the salaries of the chaukidars out of the hands of the District Magistrate. In doing this they created an administrative deadlock in the working of the Act, which was removed by a further amendment on the part of Government which was accepted by compromise.

*Acts passed in 1923.*—The following Acts introduced by members of the Government have been passed in 1923 (up to July) :—

(*i*) The Goondas Act, 1923.
(*ii*) The Calcutta Rent (Amendment) Act, 1923.
(*iii*) The Calcutta Municipal Act, 1923.
(*iv*) The Bengal Aerial Ropeways Act, 1923.
(*v*) The Bengal Children (Amendment) Act, 1923.
(*vi*) The Calcutta Port (Amendment) Act, 1923.
(*vii*) The Bengal Smoke Nuisances (Amendment) Act, 1923.

*The Goondas Act.*—The first of these was for the removal from Bengal of the up-country hooligans who infest Calcutta. It was extended at the request of the Council to Bengali hooligans, who were to be removed from Calcutta and its thickly populated neighbourhood. Generally speaking, the Council allowed the Bill to be strengthened in its passage, and narrow majorities enabled the Government to provide a working procedure for the scrutiny of cases. The Act is remarkable as being welcomed by the Council, although it was framed on the model of the Rowlatt Act. A significant feature of the debate was the suspicion entertained that Government contemplated the use of the Act against "political offenders". When this suspicion was removed the Council readily agreed to the executive restrictions on personal liberty of action which were contained in the Bill.

*The Calcutta Rent (Amendment) Act, 1923.*—The Calcutta Rent (Amendment) Bill was the outcome of a strong agitation on the part of tenants in Calcutta for the extension of the Life of the Calcutta Rent

Act for the restriction of enhancements of rent, and the extension of its provisions to sub-letting. A Bill to provide for this had been brought in by a private European member, and was strongly supported by such bodies as the European Association and received some measure of Indian support. The project, however, did not commend itself to Government, which was only willing to concede an extension of the existing Act for one year. This extension embodied in the Government Bill was carried by way of compromise. The property owners were solid against the private Bill, and were supported by a large block of Indian members who thought that that measure was framed mainly in the interest of Europeans.

*The Calcutta Municipal Act, 1923.*—The Calcutta Municipal Bill took eighteen months in its passage through the Council. Apart from the bitter controversy on the subject of communal electorates and on the question of cow-killing which arose during the passage of this Bill, the attitude of the Council towards the Bill was benevolent. The Bill was modified largely in detail in Select Committee and 183 amendments to it were made in the final stage. It contains 558 clauses and 28 schedules, and has been said to be the most voluminous piece of legislation in the world. In the final stage the Council included the Maniktola, Garden Reach and Cossipore Municipalities within Calcutta. In the case of the last two, the inclusion was made against the wishes of the Government. Garden Reach was included in Calcutta owing to the Deputy President voting against the Government by mistake. Women's suffrage, which had been introduced into the Bill in Select Committee, was retained by the casting vote of the President, but women in Calcutta would still be striving for the vote had it not been that one of the strongest opponents of women's suffrage also voted by mistake in the wrong lobby. The principle of one man one vote was affirmed by a large majority and the constitution of the Corporation was democratised. The Council showed a very reasonable attitude on the whole in regard to the administrative clauses in the Bill but seriously weakened the existing powers of the Corporation by expunging the provision for cutting off water in cases of failure to pay municipal dues. Otherwise, they supported generally the Minister and the non-official Chairman of the Corporation against the weakening of the law.

*The Bengal Aerial Ropeways Act, 1923.*—The Bengal Aerial Ropeways Act is a useful measure for the development of communications and the conservation and service of private undertakings supplying commodities such as coal. The members of the Chamber of Commerce rendered great assistance with this measure, and it was passed unanimously.

*The Bengal Children (Amendment) Act, 1923. The Bengal Smoke Nuisances (Amendment) Act, 1923.*—The Bengal Children Amendment Act, 1923, and the Bengal Smoke Nuisances (Amendment) Act, 1923, are small measures calling for no remark.

*The Calcutta Port (Amendment) Act, 1923.*—The Calcutta Port Amendment Act increases the financial powers of the Port Commissioners and makes provision for a provident fund, combined with a system of bonuses for the employees (including the artizan workers) of the Commissioners. During the passage of this Bill also the assistance of the non-official European members was most valuable.

The only Government bills defeated during this period was a bill introduced in the July Session, 1922, to amend the Indian Salt Act in order to remove those provisions which require the presence of police officers at all searches made by officers of the Salt Department for the

detection of offences under the Act. Special Police officers are employed on account of this provision, and the object of the Bill was to afford the saving of their salaries. In view of the general opposition to expenditure on the police, this measure was not expected to be opposed. The motion to take the Bill into consideration was defeated by 42 votes to 28. Several members spoke against the Bill and the line taken was that as they disliked the Salt Tax and its recent enhancement they would do nothing to facilitate the collection of salt revenue. It was admitted by those members that their main object was to make a protest against the certification of the Salt Tax by the Viceroy. The attitude was presumably adopted for electioneering purposes, and the fact that members should expect to earn popularity by this kind of action illustrates the difficulty of foretelling what the Council will do.

*General attitude of the Council towards Government legislation.*—Apart from this instance the attitude of the Council towards Government legislation was reasonable, except when, as in the case of the Village Chaukidari Bill, the Council was carried away by a sudden gust of passion and vented their feelings on the District Magistrate as the emblem of the old bureaucracy. A marked feature of their attitude towards Government legislation is the great number of amendments put in by private members, mostly at the last minute. The outturn of Government legislation has been large, though the number of bills passed so far is comparatively small.

*Complaints by mufassal members in regard to Government legislation.*—Members of constituencies outside Calcutta have been heard to complain that except for one or two petty bills all the beneficial legislation passed has been for the benefit of Calcutta. The only major bills passed by the Council affecting rural Bengal are for the purpose of taxation, and this may have an effect on the next elections. The Bills passed through the Council by the Minister for local Self-Government, for example, all relate to Calcutta.

*Absence of occasion for exercise of the special powers of the Governor in regard to legislation.*—It has not yet been necessary for His Excellency the Governor to refuse his assent to any Bill that has been passed, or to re-commit any Bill, nor has the occasion arisen for the passing of emergency legislation by certification in the teeth of Council opposition. His Excellency, acting under section 80-C of the Government of India Act, has refused to grant previous sanction to the consideration of a non-official member's Bill, the Bengal Land Revenue Sales Amendment Bill (by Babu Annada Charan Datta), as affecting the revenues of the Province.

8 (*ii*) Private Bills.

The Council have not shown themselves very favourably disposed to legislation by non-official members. They have passed one such Bill, the Bengal Village Chaukidari (Amendment) Bill, 1923 (by Babu Indu Bhusan Datta). The Government opposed this measure which transfers the power of fixing the number of chaukidars from the District Magistrate to the Panchayat (subject to the approval of the District Magistrate). The Government were defeated on a division on the motion for consideration.

On the other hand the Council have rejected or caused the withdrawal of the following Bills:—

(*i*) The Bengal Fish Fry Preservation Bill (by Shah Syed Emdadul Haq). First reading.

(*ii*) The Bengal Village Self-Government (Amendment) Bill (by Shah Syed Emdadul Haq). Second reading.

(*iii*) The Bengal Suppression of Brothels Bill (by Shah Syed Emdadul Haq), First reading.

(*iv*) The Bengal Kasis Bill. (By Shah Syed Emdadul Haq). First reading.

(*v*) The Bengal Tenancy (Amendment) Bill by Maulvi Yaquinuddin Ahmed, First reading.

(*vi*) The Bengal Muhammadan Marriage and Divorces Registration (Amendment) Bill (by Shah Syed Emdadul Haq) withdrawn at second reading.

(*vii*) The Calcutta Rent (Amendment) Bill (by Mr. Campbell Forrester), withdrawn at second reading.

(*viii*) The Bengal Village Self-Government (Amendment) Bill, 1923, (by Shah Syed Emdadul Haq). Second reading.

(*ix*) The Bengal Village Self-Government (Amendment) Bill, 1923, (by Mr. Bejoy Prasad Singh Roy). Second reading.

*Value of non-official Bills.*—Legislative proposals by non-official members play, however, an important part in the work of the Council, if only as a lever to make the Government take action. The Calcutta Rent Bill of Mr. Forrester which has already been referred to is an example, as are the pending non-official members' Bills for the reconstruction of the Senate of the Calcutta University.

*Pending non-official Bills.*—Non-official Bills pending at the present moment are the following :—

(*i*) The Calcutta University Bill (by Babu Surendra Nath Mullick).

(*ii*) The University of Calcutta Amendment Bill (by Babu Jatindra Nath Basu).

(*iii*) The Bengal Cruelty to Animals Bill (by Dr. Hussain Suhrawardy).

(*iv*) The Calcutta Suppression of Immoral Traffic Bill (by Professor S. C. Mukerji).

No motion was made on Nos. (*i*) and (*iii*) when they were called at the last Sessions, but they are not yet dead. No. (*iv*) has passed its second reading, and has been referred to a Select Committee. The attitude of the Council to this piece of legislation is benevolent.

*General characteristics of non-official members' Bills.*—There has not been any "private legislation" properly so-called. The Bills sent in by non-official members are on the whole very badly drafted and require much formal editing to make them possible of introduction. Non-official members approach the officers of the Council regularly in regard to the form of these Bills, and every endeavour is made to help them, though not so as to detract from the originality of the measures put forward.

9—(*iii*). *Financial business—*

*Manner in which non-official members exercise financial control.*—Throughout the life of the Council its endeavours at Financial control have chiefly been directed towards the reduction of particular items of expenditure, and especially of police expenditure. The result is an enormous mass of motions for reduction which could never possibly be got through in the time and which practically preclude any general discussion of policy

Steady pressure has throughout been exercised towards indianisation by means of motions to cut down grants relating to those European officers, whose salaries are votable.

*History of the attempts to wipe off the provincial deficit and to create a surplus.*—The first budget estimate showed a deficit of 198 lakhs. This was met by absorption of part of the closing balance. It was hoped that during the year the Government of India would give relief to the Province. The relief given in 1921-22 by the Government of India was the remission for three years of the provincial contribution of 63 lakhs. This was inadequate to put the provincial finances on a stable footing, although the estimates during the year were pruned departmentally to the extent of 89 lakhs. Even so, apart from estimated proceeds of the three taxation bills, the budget estimates of the second year, 1922-23 showed a deficit of 121 lakhs. It was estimated when the Finance bills were introduced that the new taxation measures would bring in an additional annual revenue of Rs. 140 lakhs, and it was arranged to present a supplementary budget for division of the surplus. The second budget debate and voting of grants were, therefore, uneventful ; and in July and August 1922 supplementary grants were duly voted, and the Council was satisfied to some extent. It was, however, found soon afterwards that owing to adverse trade conditions the estimated surplus would not materialise. The whole Government, therefore, had to pursue a policy of retrenchment. New schemes were abandoned and the estimates, original and supplementary, were again cut to the extent of 48 lakhs. In addition to this, by order of His Excellency a Retrenchment Committee was appointed to examine the provincial expenditure. This Committee reported in January 1923, and its recommendations are being considered by the Government. The 1923 budget, in accordance with a recomendation made by His Excellency in a speech to the Council before the voting of demands for grants, was passed with very little reduction (except by consent) on the understanding that the result of local Government's labours towards retrenchment would be communicated to the Council in July. It provides for no new schemes and financially the Province is at present almost at a standstill, though the receipts and expenditure have been made to balance and the recent returns of receipts give some promise of better times.

*Exercise by the Governor of his power of certification in connection with demands for grants.*—Generally speaking, the power of certifying a demand for expenditure on the reserved side which has been refused by the Council has been exercised by His Excellency (*i*) to wind up the project, or (*ii*) to enable the department to carry on the project until the Council have had an opportunity of reconsidering the matter on fuller information being given. In the case of the cut of 23 lakhs in the Police Budget in 1921, the opportunity for reconsideration was given not by actual certification but by calling a fresh session of the Council in which the grant was voted. In the case of the demand for mounted police in 1922 the power of certification to a limited extent was exercised, and the remainder of the demand was voted during the next session. In the case of the expenditure on the paper book department of the High Court, His Excellency, under instructions from the Government of India, definitely rejected the attempt of the Council to throw out the demand in 1921. In 1922 when the demand was again rejected, he only certified a sufficient sum to carry on the department to July. In July the Council restored the grant, and it has again been voted in 1923.

His Excellency certified in full the demand for the erection of quarters for police in Calcutta, in spite of the adverse votes.

*Effect of the efforts of the Council to reauce expenditure on the reserved side.*—Otherwise, the rejections by the Council of items of expenditure on the reserved side have been generally accepted by His Excellency (except for providing the money for winding up the projects). The most important of the projects which have been abandoned are the partition of Midnapur, the partition of Mymensingh and the construction of a residence for the Chief Justice.

The services of the following officers have also been dispensed with (*i*) the Additional Legal Remembrancer, (*ii*) the Publicity Officer, and (*iii*) two Assistant Forest Officers. The staff of the Intelligence Department has also been greatly reduced.

By consent the expenditure on the Madaripur steamer route has been curtailed, while the Grand Trunk Canal project has been reserved for the future consideration of the Council.

There has of course been great retrenchment by agreement, *e.g.*, the reduction of the settlement programme to a two-party basis, and large reduction in the provision of sub-deputy collectors to be employed as circle officers and generally the abandonment of all new building operations.

But for the fact that salaries of Imperial officers are non-voted, the record would have been a very different one. The speeches of the Indian non-official members leave no doubt at all on this point.

*Endeavour of the Council to obtain money for schemes of sanitation, etc.*—In fourteen instances the Council have by recommendation attempted to commit the Government to expensive schemes of improvement in the transferred departments. So far as the local Government has been able to find the funds, endeavour has been made to give effect to the wishes of the members but on account of financial stringency the result has been meagre. The non-official members of the Council, like the general public, seem to have difficulty in realising the fact that money for provincial expenditure like that for local expenditure must ultimately come from the pockets of the people.

*Difficulties of non-official members largely due to the form of the budget estimates as prescribed by the Auditor General.*—The form of the budget estimates is one of the chief reasons of the difficulties of private members in matters of finance. Frequently they cannot find an item, which they wish to attack in the estimates as presented. Sometimes the Department concerned can not do so either. A revision of the form of Budget Estimates so as to enable departmental officers to explain on the Budget Estimates themselves what a particular item of expenditure means, would remove a great deal of existing distrust.

10 (*iv*) *Resolutions and Questions*—

*Action taken by Government on resolutions carried by the Council.*—Of the 314 resolutions discussed in the Council up to July 1923, 109 have been carried. Of these the local Government have taken full action in accordance with the recommendations in 51 cases and part action in 29 cases. In 15 cases Government have refused to accept the recommendations. In the remaining 14 cases final action has not been decided on, or the recommendations can only be given effect to in the future.

*Legislation, action taken by Government as a result of resolutions carried.*—The active pressure exercised by the Council towards the amendment of the law has been most marked. In 11 cases Government has undertaken legislation in pursuance of resolutions passed by the Council :—

(*i*) Subsidiary legislation to exclude fermented date juice from the provisions of the Excise Act.

(*ii*) Early amendment of the Calcutta Municipal Act, 1899.

(*iii*) Amendment of the Calcutta Municipal Bill in the direction of an improved milk supply ;

(*iv*) Amendment of the Bengal Tenancy Act ;

(*v*) Legislation to create a Board of Secondary Education ;

(*vi*) Legislation to alter the constitution of the Senate of the Calcutta University ;

(*vii*) Legislation to control fairs and *melas* ;

(*viii*) Legislation to empower District Boards to tax motor vehicles ·

(*ix*) Legislation for the prohibition of sale of intoxicating liquors and drugs to children under 16 ;

(*x*) Amendment of the Local Self-Government Act, and

(*xi*) Legislation for the eradication of water hyacinth.

Fifteen committees have been appointed in pursuance of resolutions of the Council ; the more important have been referred to elsewhere in this report.

Four resolutions urged on the Government the necessity of getting the Meston Award altered.

Among other important matters on which the local Government have carried out the recommendations of the Council, the following may be mentioned :—

(*i*) making the Ministers' salaries voted items in the Budget (legal advice was taken and action taken according to that advice) ;

(*ii*) the introduction of the system of competitive examination for recruitment to the Provincial and Subordinate Executive Services ;

(*iii*) part indianisation of the Pilot Service, and

(*iv*) prohibition of officials standing for election as Chairman of Local Boards ;

and part effect has been given to the recommendations in the following important matters—

(*i*) limitation of the consumption of intoxicating liquors and drugs ; and

(*ii*) treatment of political prisoners as first class misdemeanants.

Resolutions to establish all over the province medical, technical, agricultural and educational institutions and to provide money for sanitation, etc., have generally been accepted in principle by Government, but little progress has been made in giving effect to them owing to lack of funds.

*Resolutions carried in respect of which the Government have refused to take action.*—The cases where the local Government have expressed themselves as not prepared or not able to give effect to the recommendations of the Council are as follows :—

(*i*) reduction of the number of Executive Councillors ;

(*ii*) establishment of an Agricultural College in Calcutta ;

(*iii*) inclusion of Darjeeling within the Reforms scheme ;

(*iv*) organisation of typists and copyists in Criminal, Civil and Revenue Courts into a regular service ;

(*v*) and (*vi*) adoption of proposals to increase the salaries of ministerial officers going beyond the majority report of the McAlpin Committee.

(*vii*) allocation of 40 per cent. of the revenues of the province to the transferred subjects ;

(*viii*) establishment of a nautical institution at Chittagong ;

(*ix*) immediate withdrawal of notification under the Criminal Law Amendment Act, etc.;

(*x*) providing funds for a large leper asylum ;

(*xi*) appointment of a committee of enquiry into the alleged excesses by the civil guards during the disturbances in Calcutta ;

(*xii*) appointment of members of the Legislative Council as *ex-officio* members of the District Boards ;

(*xiii*) appointment of a committee to examine the principles of the recruitment for the Provincial and Subordinate Judicial Services ; and

(*xiv*) raising of the status of the Commercial Institute at Calcutta (The Retrenchment Committee recommend that this should cease to be a provincial institution).

*Copies of the debate forwarded to the authorities or persons concerned in certain cases.*—In certain other cases the Government merely forwarded a copy of the debate to the authority or the person or body concerned. Important cases of this nature were :—

| | |
|---|---|
| (*i*) Request to stop export of rice | Forwarded to the Government of India. |
| (*ii*) Request to steamer companies to provide waiting rooms and reduce fares. | Forwarded to the Steamer Companies. |
| (*iii*) Alteration in the procedure in regard to the hearing of Civil Court Appeals. | Forwarded to the High Court. |
| (*iv*) Request that the Calcutta Electric Supply do remove their surcharge ; | Forwarded to the Calcutta Electric Supply Corporation. |
| (*v*) Stoppage of recruitment of Assistant Superintendents of Police.. | Forwarded to the Secretary of State. |
| (*vi*) Request for construction of the Ishurdi-Sadhuganj Railway. | Forwarded to the Railway Board. |

*General remarks on resolutions. Growing apathy of the Council towards this form of business.*—The discussion of resolutions took up a great deal of the time of the Council in the earlier stages, *i.e.*, before legislation was ready, but now there is not much interest taken in those as the Council have already discussed almost all the leading local questions. Adjournments for want of quorum has become quite common on days devoted to the discussion of resolutions, having occurred on ten days out of 60 devoted to such business. The parochial element of so many resolutions has largely conducted to this result.

*General remarks as to questions.*—The number of questions asked up to July 1923 is 3,949. Members till recently had no consideration for the various departments in this matter and called for complicated statistics on every conceivable subject. One question took ten months' work to answer. The new President is more severe than his predecessors in regard

to the disallowance of unreasonable questions, and supports the Government, where necessary, when they refuse to answer requests for information on the ground of excessive labour. With a view to stopping the asking of an unreasonable number of questions, the Council have made salutary amendments in the Standing Orders. These amendments have resulted in substantial savings in printing charges and in some relief to the Departments of the Government.

*Reasons for the disallowance of questions.*—Questions are disallowed by the President when they contravene the rules or Standing Orders which are based on the Standing Orders of the House of Commons. The chief ways in which members offend in the matter of questions are as follows:—

(*i*) They ask questions based on unverified newspaper reports.

In framing the local Standing Orders it was determined to crystallise the practice (based on the House of Commons procedure and insisted on by Their Excellencies Lords Carmichael and Ronaldshay as presidents of the old Council) that members shall make themselves to some extent responsible for the accuracy of statements made in their questions, and a provision to this effect has been included in the Standing Orders. On receipt of a " newspaper " question the Secretary, under orders of the President, writes to the member asking him whether he assumes responsibility for the truth of the allegation. He seldom does so, and the question is then disallowed by the President.

(*ii*) Endeavours are made to influence law suits by questions on matters which are *sub-judice.*

(*iii*) Attempts are made to interfere mainly on behalf of ministerial officers, with ordinary departmental punishments.

These are disallowed as not being matters of general public interest unless a question of principle is involved.

(*iv*) Questions are asked on a large number of all-India matters which are not the primary concern of the local Government.

The member is advised in such cases to get the local representative to put a question in the Assembly.

(*v*) Questions are asked interfering with the statutory discretion of local authorities, *e.g.*, about a local board road.

Members are told that these are not primarily within the cognisance of the Member in charge and are referred to the proper authorities. When, however, there is any matter of principle or importance the question is admitted.

(*vi*) Questions are asked trenching on the Charter jurisdiction and powers of the High Court.

These are disallowed as being primarily the concern of the High Court and not of the local Government.

These statistics being available to the public generally are no longer within the special cognisance of the Member in charge.

*Reasons for disallowance of resolutions.*—In regard to resolutions, the usual reasons for disallowance are that the resolution refers to a matter which is *sub-judice* or to a matter which is the primary concern not of the local Government but of the Government of India. The decision in the first case is given by the President and rarely goes beyond him. In the latter case, it is given by His Excellency who allows considerable latitude in this matter, on the ground that matters technically within the

primary concern of the Government of India are also frequently matters of local concern, and it is desirable that the Government of India should know the views of the local Council in the matter.

*Endeavours of the Council to interfere with the prerogative of the Governor and to take to itself executive authority.*—Other frequent causes for disallowance are the endeavour of private members to interfere with the prerogative of the Governor, and a substantial attempt to set up a system of executive Government by committees of private members of the Council. Some typical cases where the Council have tried to set themselves up as a Court of Appeal over His Excellency or the Government and where His Excellency or the President has disallowed discussions are given below :—

(*i*) " That this Council desire to place on record the fact that the procedure adopted by His Excellency the Governor in appointing the Minister without consulting the elected members of the Council is not in accordance with the spirit of the Joint Select Committee report ; "

(*ii*) " This Council recommends to the Government that the various standing committees elected by the Council be empowered to enquire into and report annually on the administration of Bengal in those departments to which they are attached and that their reports be annually published ; "

(*iii*) " This Council recommends to the Government (*a*) that standing committees be appointed on the model of the standing committees of the Corporation of Calcutta (Note, *i.e.*, with executive powers) with a view to lighten the labour of this Council and that the standing orders relating to the appointment of existing committees (*i.e.*, His Excellency's personal orders as Governor) be amended accordingly, and (*b*) that the said standing committees do consist of eight non-official members to be elected by this Council and four official members to be nominated by the Government and that the members of the Executive Council and the Ministers, as the case may be, be nominated Presidents of the said Council ; "

(*iv*) " This Council recommends to the Government that the committee of Public Accounts, in addition to its existing duties (Note—which are limited by Parliament itself). be also attached to the Finance Department as a special advisory committee to advise the Department on the following—

(1) proposals for the increase or reduction of taxation;

(2) proposals for borrowing by the local Government and of loans granted by the same ;

(3) preparation of the annual estimates of revenue and expenditure of the Province and of any supplementary estimates or demands for excess grants which may be submitted to the vote of the Council, and

(4) such other matters as the Finance Department may desire to refer to the Committee ;

(*v*) " This Council recommends to the Government that the proceedings of the several standing committees elected by the Council (which under His Excellency's orders constituting the committee are confidential) be circulated among the members of the Council ; "

(*vi*) " This Council recommends to the Government that His Excellency the Governor be approached with the request that as the Honourable Sir Henry Wheeler is going on leave the occasion may be utilised by placing the portfolio of police in charge of an Indian Member of the Executive Council,"

and other like requests.

*Requests for appointment of committees.*—Committees are frequently asked for in connection with incidents arising out of the maintenance of law and order. It may be said that discussion is only refused in such cases when the subject-matter is before the Courts and the trial would be prejudiced.

11. (*v*) *Miscellaneous*—

*Notices for adjournments.*—There have been five discussions on motions to adjourn the House on a matter of urgent public importance. Two of these, *viz.*, a discussion of the situation arising out of the cutting of the police grant by 23 lakhs in 1921, and a discussion on the situation caused by the general *hartal* on the 17th November 1921, *i.e.*, before the Prince's visit, were moved by members who were supporters of the Government. The other three, *viz.*, a discussion of the measures taken by the Government to restore order in December 1921, a discussion on the reported flogging of some political prisoners in the Barisal jail, and a discussion on the alleged excesses of the Police when investigating a dacoity case in the Faridpur District, were moved by opponents of the Government. All these motions were talked out except the one relating to the *hartal*, which was deliberately withdrawn by the mover so that it should not constitute a vote of censure against the Government.

*Expert members.*—The assistance of temporary expert members was enlisted in the following cases in connection with Government bills :—

(*i*) the late Sir Charles Kesteven assisted with valuable advice in the framing and passing of the Chapter on betting in the Amusement Tax Bill ;

(*ii*) the facts put forward by Sir Reginald Clarke as Commissioner of Police had a good effect in the Select Committee stage of the Goondas Bill, though he did not speak on the Bill in the Council ;

(*iii*) Dr. Bentley (Sanitary Commissioner) and Babu Mani Lal Sen (Solicitor to the Calcutta Corporation) sat as expert members during the final stage of the Calcutta Municipal Bill. The legal knowledge of the latter was of the greatest value and he rendered willing help to the officers directing the passage of the Bill :—

(*iv*) Rai Sahib Mahendra Lal Gupta, an experienced settlement officer, has been called in to assist in the discussions of a pending Bill providing for the conversion of lands under the anomalous utbandi system of tenure into ordinary raiyati lands.

This provision of the law had been found most useful and it is not, so far as is known, in any way resented.

12. This section deals with parties in the Council and some other subjects mentioned in paragraph 11 of your letter.

*The Council not fully represented owing to absence of non-co-operators.* —In dealing with the question of parties in the Council the salient fact is that the Extremists (Hindu and Muhammadan non-co-operators) are not officially represented in the Council at all. except by a few hon'ble members from the Chittagong Division who were put up by the non-co-operators in order to bring the Council into disrepute. These members have behaved with decorum and, except for consistent voting against the Government at the beginning, have shown no extreme tendencies. The other members stood for election on the plank that the Reforms as a vehicle of progress were worth a trial, so that the present Council only represents the less extreme opinions held by Bengalis.

*Strong party in 1921 against the Political, Police and Appointment Department.*—When the Council first met a strong party, comprising both Moderate and Extremists, was formed against the Government in the Political, Police and Appointment Departments and against the High Court. The first session of the Council was remarkable for the following defeats inflicted on the Government by this party :—

(*i*) A resolution for the reduction of the number of Executive Councillors was carried by 74 votes to 31. Of the Indian non-officials, only two Hindu members supported the Government.

(*ii*) A resolution against the Darjeeling exodus was carried by 53 votes to 41, 8 non-official Indians (2 Hindus and 6 Muhammadans) voted with the Government.

(*iii*) The demand for the paper book department of the High Court was rejected by 71 votes to 35. Only 4 non-official Indian members (2 Hindu and 2 Muhammadans) voted with the Government.

(*iv*) The demand for the Publicity Officer was rejected by 71 votes to 36. Only 2 non-official Indian members (both Hindus) voted with the Government.

(*v*) The demand for the salary of the Additional Legal Remembrancer (who had conducted various political prosecutions) was rejected by 62 votes to 33. Only 4 non-official Indian members (1 Hindu, 1 Jew and 2 Muhammadans) voted with the Government.

(*vi*) A cut of 23 lakhs was made in the Police grant by 51 votes to 43. Eleven Indian non-official members, *viz.*, 8 Hindus, 1 Jew and 2 Muhammadans, voted with the Government.

(*vii*) The demand for works in connection with the partition of Mymensingh was rejected by 61 votes to 31. Only 3 non-official Indian Members (all Muhammadans) voted with the Government.

(*viii*) The demand for works in connection with the partition of Midnapore was rejected by 58 votes to 32. Only 4 non-official Indian members (3 Hindus and 1 Muhammadan) voted with the Government.

(*ix*) The demand for the Chief Justice's residence was rejected by 63 votes to 34. Eight Indian non-official members (5 Hindus and 3 Muhammadans) voted with the Government.

(*x*) The demand for the Police Hospital extension in Calcutta was rejected by 51 votes to 33. Only 3 Indian non-official members (2 Hindus and 1 Muhammadan) voted with the Government.

(*xi*) The demand for police quarters in Calcutta was rejected by 57 votes to 29. No Indian non-official member voted with the Government.

The only victories on a division that the Appointment, Political and Police Departments could secure during this period (other than that on the subject of the Ministers' salary) were the carrying of the grant for the Alms House at Calcutta, and the rejection of an amendment to a resolution relating to the separation of the judicial and executive. In two instances the Department won without a division, *i.e.*, by defeating resolutions for the abolition of the Board of Revenue and for the abolition of the official vote. They also succeeded in regard to some demands for grants where the opposition was not pressed. But on practically all their main projects (excepting on the question of the Ministers' salaries) the Appointments, Political and Police Departments were defeated and hardly had any non-official Indian support.

*Weakening of party against the Political, Appointment Departments and against the High Court.*—The victory in regard to the cut of 23 lakhs in the Police budget broke the strength of this party. The leaders got frightened at what they had done, gave way, and by their votes restored the grant in a special session. They were largely influenced by a fear that their precipitate action in curtailing the demand might be quoted aganist them at the time of the 1930 commission. This solid non-official Indian block against the Political and Police Departments now forms about once in two sessions. It then proceeds to defeat the Government (generally on a resolution relating to measures taken to keep law and order). These performances are more spectacular than solid, as the party is remarkable, for its vacillation, *e.g.*, they passed the emergency grant for mounted police, then rejected it by one vote at the time of the budget and then restored it as a supplementary grant. The paper book department grant also, after having once again been defeated, has now been passed. Moreover, a substantial number of Indian non-official members have also supported the Government in passing the Goondas Act, a more drastic measure in some of its features than the Rowlatt Act. The party also devotes itself to proposals for the release of political prisoners, but this activity is less pronounced than formerly, and recently they allowed a resolution on this subject to be lost without claiming a division in time, though there was ample time for this. The party is definitely hostile to the maintenance of a special establishment to look after the violent political extremists. The prospect of elections has somewhat increased its activities during the July session of this year.

*Attitude of the party towards retrenchment and Indianisation.*—The Indian non-official members, as a whole, may also be said to form a party for retrenchment on the reserved side and expenditure on the nation-building departments. Here too, however, dissension has arisen owing to the proposals of the Retrenchment Committee appointed at their instance. These proposals will hit most severely the Muhammadan employés of the Government, and retrenchment has largely lost its popularity with the members of that community. The Hindu members also take strong objection to the proposals of the Retrenchment Committee to retrench sub-Judges and Munsiffs. The Indian non-official members, as a whole, were also

till recently extremely keen on Indianisation of the Services, but even this plank is not so firm as formerly owing to the growth of communal strife in the Council.

*This party not really a political party in the strict sense. Represents educated bhadralok opinion of the Moderate type.*—Apart from the above, there does not appear to be any salient point of general policy (beyond general progress under the Reforms) on which there has been anything approaching unanimity among Indian non-official members. They cannot, therefore, be said definitely to form a political party. They merely represent as a whole the various grades (except the most extreme) of educated opinion in Bengal, as opposed to the opinion of the ordinary country people. Individually, with the possible exception of one or two members of the most advanced party, they are not working to cause a deadlock, though their actions might well have produced that result. They voice in the main a sentimental opinion and are greatly influenced by fear of obloquy in the Extremist press, and perhaps in some cases by fear of reprisals at the hands of the Extremists if they declare themselves definitely for the suppression of disorder. Each individual member except for a few experienced hands is out to run Bengal in his own way and to interfere in every detail of the executive or judicial administration and in particular in the "nation-building departments." This trait comes out most strongly in the number of amendments to Bills and to motions for reduction of demands for grants which are tabled by private members. The movers of motions for the reduction of grants have, however, as a rule little backing by their fellow members. On the other hand, there is a good side to this individual keenness and close scrutiny. Contact with the officers conducting the administration frequently results in some realisation of their difficulties, and as a result of this contact the wild assertions which were made as to the administration during the first years of the life of the Council by Extreme and even by Moderate members are seldom now heard except when a new member makes his debut by playing to the gallery.

*Attitude of non-official Indian members to labour.*—Except for passing a resolution for the formation of a Conciliation Board and a resolution for the grant of extra facilities for educating the backward classes, non-official Indian members generally have not been very sympathetic towards labour as such. They turned down severely a suggestion for a bill to legalise picketting and only appear to support strikes when these are connected with political disturbances (as in the case of the coolies at Chandpur) or when they are a subject of embarrassment to European companies (in the case of the Tramway strike). A similar trait was shown by M. L. Cs. who posed as "tenants representatives" on the committee to amend the Bengal Tenancy Act. These members were far more actively opposed to the raising of the status of all *bonâ fide* cultivators than were some of the zamindar representatives. The "tenants representatives" were in fact the representatives of the middle class tenants.

*Rise of the Moderate party in the Council.*—In the summer and autumn of 1921 there were, practically speaking, no definite parties at all. Business was dull and members acted without cohesion. The question of raising funds to carry on the Government resulted, however, in the Ministers exerting themselves to form a definite political party not only to support them in matters relating to the transferred subjects, but also to secure the money to finance these subjects. This could only be done by supporting the proposals of the Government as a whole for raising tax-

ation, and the readiness of the reserved departments to come to an understanding favourable to the transferred departments in the matter of the distribution of the proceeds of the new taxation brought a large number of non-official Indian members into much greater harmony with the Executive Government as a whole than had formerly been the case. The violence of the non-co-operators and the agrarian unrest caused by that movement also caused property owners to lean more closely towards the side of the Government, and a fairly compact Moderate party with whips and a club of its own came into being and has since maintained itself. The greatest achievement of this party has been the passing of the Finance Bills against the wishes of the most advanced group, with whom the Members of the Moderate party had formerly allied. The policy of the party is generally to support the Ministers, to maintain an independent attitude in matters of law and order, but not to create a deadlock. Its strength is shown by the fact that since its formation there has been no dangerous attempt to drive out a Minister. Its adherents include very few Muhammadans. Since the controversy on communal representation has arisen, the Muhammadans have formed an independent group.

*The Extreme party in the Council.*—Opposed to this party is the most advanced (it may be called the Extremist) group in the Council. This group numbers some 25—30 members with others on the border line. It is almost entirely composed of Hindus, and it represents the advanced Congress party. It is unequivocal on questions of Indianisation and opposition to the police, and generally on a desire to emphasise racial questions. At the same time, it is also subject to dissensions in itself. If they would do so, some of the members would act by causing a deadlock, but not all are ready to go so far. As stated above, the Moderate party join the Extremists periodically in order to defeat the Government, when they think that the Government are not being sufficiently gentle towards the violent faction outside the Council. The split on the communal question has now created a situation in which the advanced Hindu members alone are trying to force the pace, while the Moderate Hindus and the Muhammadans are not quite happy as to future developments. The members of this Extreme group have, therefore, gradually diminished of late.

*The non-official European group.*—The European and Anglo-Indian non-official members form a solid group. While maintaining their independence they form a solid party in support of law and order. On the communal question this party would have a decisive influence, and this fact might enable them to exercise a much greater degree of power than they have hitherto done. There are proposals to organise the party with a paid whip and if these proposals are carried out in the next Council this Independent party will carry considerable weight and exercise an influence in excess of its numerical strength.

*The official group.*—Finally there are the officials who form a solid group and generally vote according to ticket. They exercise a far greater influence over the results of divisions than their numbers would suggest, owing to their regular attendance.

The results of divisions show that the number of this group just about balances the number of members who vote almost automatically against the Government, but the official group being the more regular in attendance, more than balances in practice this unreasoning opposition.

***Growth of Parliamentary conventions. Influence of the Council on the Executive Government, etc.***

***Parliamentary conventions in the broader sense cannot flourish under***

*dyarchy and in a subordinate legislature circumscribed by statute.*—The growth of parliamentary conventions is impossible in its broader sense, in a subordinate legislature whose powers are circumscribed by the Government of India Act and the rules made thereunder, and by the system of dyarchy.

The main parliamentary convention which could be established and which members of the Legislative Council might have been expected to aim at establishing is the responsibility of Ministers to the Legislature. No attempt has, however, been made as yet to use the machinery of the new constitution in this way. A homogeneous party organisation under recognised leaders within the Council itself would be a necessary precedent condition to the establishment of such a convention. Hitherto, members of the Legislative Council have not regarded themselves as belonging to any party ; they acknowledge no leadership ; they consider their only function is to exercise independent criticism of Government. In the first session of the Council, the Nawab Saiyid Nawab Ali Chaudhuri, the Minister for Agriculture and Industries, suffered a series of defeats on matters connected with the policy of his Department. He did not regard these as votes of censure either upon himself or upon the Government as a whole. He accepted the decisions of the Council and modified his policy accordingly. Since then, a greater cohesion has been established between the Ministers themselves, between the Ministers and Members of Council in charge of reserved subjects, and also between the Government as a whole and the party which usually supports them in the legislature. But it cannot be said that the position has yet been reached in which an adverse vote in the Legislative Council on a transferred subject would be regarded either by the members of the legislature or by the Ministers as a vote of censure on the transferred half of Government as a whole, necessitating the resignation of all the Ministers.

It is difficult at present to forecast in what form the responsibility of Ministers to the Legislative Council will develop. In England, and in other countries which have followed the model of the English constitution, the doctrine of the joint responsibility of the Cabinet is recognised, and it was probably intended by the authors of the Reforms that this doctrine should gradually become established by a parliamentary convention in India. At present, however, there are four factors which militate against the growth of such a convention in this Province.

(1) The ministers are selected by the Governor and not by a Prime Minister who is himself responsible to the Legislature.

(2) The instructions to the Governor and the rules of business of the Province seem to indicate that responsibility for a transferred subject rests with the Governor acting with the minister—*i.e.*, with the single Minister in charge of the department, not with the ministers. Ministers themselves, therefore, do not as yet feel that they have any responsibility for the policy of any departments but their own.

(3) The necessity for reserving at least one of the three ministerial posts for a Muhammadan, and the practice of selecting for that post a Muhammadan who is representative of the opinion of the Muhammadan community rather than of the party which commands a majority in the Council, prevents the growth either of a collective responsibility among Ministers, or of a united ministerial party in the Council.

(4) The present tendency of members of the Legislative Council is to direct their criticisms against particular ministers rather than against the transferred side of Government as a whole. They are also inclined to

regard ministerial posts as opportunities for acquiring administrative experience which should not be enjoyed for too long by the same individual.

The combined effect of these four factors has been unfavourable to the growth of the idea of collective responsibility and is leading rather to a convention that an individual minister, if defeated on an issue which he cannot accept, should resign and be replaced by another member of the Legislative Council.

*Ordinary parliamentary conventions are followed in regard to details of procedure.*—In ordinary matters of procedure the Rules and Standing Orders are, of course, supplemented and interpreted by rulings from the Chair, based on English parliamentary practice, to which the Council desired to conform.

*Real influence of Council over matters relating to the reserved side in spite of the absence of the convention of responsibility.*—In spite of their inability to remove a member, the Council exercises a very real influence over the actions of Government on the reserved side. Important major projects, such as the partition of Midnapore and the partition of Mymensingh, have had to be abandoned for the present. Many improvements in the police have had to be deferred, and a thorough examination of all departments is in progress with a view to retrenchment. The Grand Trunk Canal project cannot be taken in hand until the Council are convinced of its necessity, and the non-official Indian members are possessed with the idea that any improvement of their main water communications is intended primarily for the benefit of European merchants, and so they approach such questions from a racial instead of a business standpoint.

*Preference of Indian non-official members for business relating to the transferred departments.*—The Indian non-official members, generally speaking, regard the reserved side as dull. What they really like is a full dress debate on a matter of education, agriculture or sanitation. Every time the voting of grants in the main budget comes on there is a short sharp fight by way of detailed audit of items relating to the reserved side as far as the heads ' General Administration ' and ' Police.' It then appears from the progress made that the voting of grants will quickly be over. But when once the nation-building departments come under review, several days are spent in discourse, and less attention is paid to details, but the discussion of policy proceeds far more on theoretical and sentimental than on practical lines.

*Lobbying.*—There is a great deal of consultation between members of the Government and the non-official members of the Council. In particular at the time of the budget, movers for reduction are invited to conferences, and the reasons for the items of expenditure to which objection has been taken are explained. Private members are on the whole reasonable in discussing such matters, and the majority of motions for reduction are in consequence either not moved or are withdrawn after the reply has been given. The complaint made in the old Council that officials kept aloof and were not prepared to take the trouble to explain matters fully to non-officials, is a thing of the past. The officials realise that the more they lobby and call directly on the moderate party for support, the more likely they are to win.

*Committees and order of business as between departments.*—Government has readily accepted the aid of committees appointed at the instance of the Council. There are also the Standing Committees attached to the Executive Departments. The members of these committees and the members of the Committee on Public Accounts are elected by the system of

single transferable vote. There has been no instance of the business of one department in the Council being shelved for that of another for want of time.

*Communal cleavage in the Council—*

*First appearance of communal cleavage in the Council. Resolution regarding recruitment by competitive examination.*—Communal cleavage began to show itself in the Council from the earliest times. On the 22nd February 1921, *i.e.,* during the first month of the Council sitting, Babu Indu Bhusan Dutta moved a resolution that recruitment to various of the Provincial Services " be made by means of suitable open competitive examination, due provision being made to safeguard the interests of the communities as well as the claims of individual districts and divisions ". To this resolution Maulvi Yaquinuddin Ahmed had tabled an amendment directly safeguarding Muhammadan interests.

In moving the resolution Babu Indu Bhusan Dutta made a violent speech against recruitment by nomination, as leading to official favouritism and the selection of subservient candidates. Towards the end of his speech he was handed a letter from the Muhammadan members, which resulted in his withdrawing the resolution at once.

*Resolution to abolish official vote opposed by the Muhammadans.*—The next instance of dissension occurred on the 4th April 1921. The Deputy President, Babu Surendra Nath Roy, moved a resolution " that in any matter relating to purely transferred subjects the official members other than the ministers be requested not to vote though they may take part in the discussion ". This resolution, which was based on the Montagu-Chelmsford report, was supported by members of the more advanced party, but it was opposed by two of the moderate Hindu members, two Muhammadans and an Anglo-Indian on the ground that the official vote was a protection to minorities. The effect of the proposal was explained by Sir Henry Wheeler, and the Muhammadan opposition showed itself so clearly during the speech of Maulvi Ekramul Haq, who put the matter definitely on a Hindu *versus* Muhammadan basis, that the mover did not dare to press for a division, and the question being put the motion was lost on the volume of the voices against it.

*Introduction of Calcutta Municipal Bill. Split regarding communal electorates for Muhammadans.*—The next occasion when communal feeling manifested itself was on the 22nd November 1921 when the introduction of the Calcutta Municipal Bill was opposed by a Muhammadan member. Twenty Muhammadans and the Charmakar (cobbler) member went into the " No " lobby, being dissatisfied with the Minister's policy of not adopting communal electorates for the Corporation. On the succeeding motion for circulation of the Bill, which was moved a week later, there was no division as the Minister had indicated that further opportunity would be afforded for considering the subject of communal representation, but the Muhammadans made it quite clear in the debate that they considered that the Hindu members of the Corporation had not treated Muhammadan interests with proper consideration and voiced the opinion " that it was a pity that in the first year of Reforms the Muhammadans had been compelled to feel what Swaraj would be." Again when on the 3rd July 1922 the Bill was referred to Select Committee, the Muhammadans did not press matters to a division but accused the Ministers of packing the committee with members opposed to communal electorates. The Minister added one more Muhammadan member.

*The system of competitive examinations again causes communal dissension.*—During the next month the tension became more acute. On the 25th August 1923 Maulvi Fazlul Haq moved a resolution for the creation of a staff selection board, raising in his speech the question of the treatment of Muhammadans in recruitments made to Government service. The Hindus protested saying that the proposal would do away with the competitive system and that communal interests should not be pressed in season and out of season. The Muhammadan members, however (except Dr. Hassan Suhrawardy), supported Maulvi Fazlul Haq in their speeches. Government opposed the resolution. The Muhammadans took the matter to a division. Twenty-six Muhammadans, the cobbler, and a representative of the depressed classes voted " Aye ". The Government members, all the other Hindus and two non-official Muhammadans (Khan Bahadur Abdus Salam and Dr. Hassan Surhawardy) voted " No ", and the resolution was negatived by a majority of 60 to 28. A good deal of feeling was shown during the debate.

*The first split in the Council over the cow-killing question.*—Four days later cleavage again occurred. On the 29th August Babu Amulyadhone Addy moved a resolution for the appointment of a committee to increase the supply of pure cow's milk in Bengal. The resolution was innocent in form, but Babu Amulyadhone Addy, who is also a Commissioner of the Calcutta Corporation, had already succeeded in getting the Hindu majority in that body to pass a resolution restricting the slaughter of prime cows in Calcutta. This was at once adverted to by Maulvi Madassur Hussain, who said that Mr. Addy's anti-cow-killing activities had created a good deal of mischief, consternation and agitation. In vain Mr. Addy denied any wish to bring in this side of the subject, Government opposed the resolution on the ground that a committee of this kind would give no material assistance. The mover claimed a division and every non-official Hindu present with two non-official Muhammadans voted for the resolution, while the remaining Muhammadan members and the non-official Europeans joined the Government and defeated it.

*Calcutta Municipal Bill. The gulf made wider by the Hindu members in Select Committee.*—This solid non-official Hindu vote on the cow question repeated itself later.

The sittings of the Select Committee on the Calcutta Municipal Bill had meanwhile commenced. As stated by the Muhammadans the committee contained a large Hindu majority. The committee made some slight concessions in regard to the number of seats on the Corporation to be reserved for Muhammadans, but insisted that the Muhammadan Commissioners should be elected by the general electorate. They went further, and, on Mr. Addy's motion, inserted a clause giving the new Corporation (which will have a strong Hindu majority) the right to restrict the slaughter of prime cattle in Calcutta.

*Result of the Select Committee's attitude. Defeat of the Minister on the question of communal electorates for Muhammadans partly averted by a compromise.*—This last move brought Muhammadan apprehensions to a head and when the Calcutta Municipal Bill reached its final stage the feeling was intense. The Muhammadans enlisted the sympathies of the non-official Europeans and the Hindus of the depressed classes on the question of the communal electorates. Their case was that the Hindus were going to put up dummy Muhammadans for election and get them elected by the Hindu vote against the true Muhammadan candidates (the Muhammadans being in the minority in all the wards). They had

a very good lever to work with (as to the intentions of the Hindus) in the new clause relating to cow killing inserted by the Select Committee and in further amendments later tabled by Hindus of the advanced political party which would be used practically to prohibit all forms of cattle killing. The strong attack made by the Hindu party has also frightened some of their own men, who considered that the definite cleavage, which would be created by their forcing their will on the Muhammadans in this way, would turn the latter definitely against any idea of self-government. Some of these Hindus, therefore, openly announced their intention of voting with the Muhammadans on the question of communal electorates for the Corporation. Government also was not united as the Muhammadan members insisted on a free vote being allowed on the question or on Government as a body standing neutral. An estimate of the combined Muhammadan, non-official European, depressed class Hindus, and cautious Hindu vote worked out at a majority over the advanced Hindu vote, especially if the Government vote was not solid, *and there was a certainty of a defeat of the Minister.* He, therefore, accepted a compromise proposed by a non-official European member to the effect that for nine years there should be a communal electorate and thereafter a general electorate. The Muhammadans accepted this, but made it clear that they were going to raise the question again before nine years were over and apply to change the law. The advanced party among the Hindus were dismayed at the acceptance by the Minister of this arrangement, and in the division in regard to the acceptance of the compromise the dissentients with the exception of one non-official European and two Muhammadans were all Hindus. The result in favour of the compromise was regarded by the Indian members as a signal Muhammadan victory.

*Proposal to insert provisions against cow killing in the Calcutta Municipal Bill defeated.*—A few days later the cow killing question again came up with reference to the sub-clause inserted by the Select Committee in the Calcutta Municipal Bill. Some of the Muhammadans had been petitioning the Government of India to move the Viceroy to disallow the proposed sub-clause. The Local Government, however, on being consulted, said that the matter was not a proper one for interference of this kind and should be fought out locally. The Government of India agreed, and when the amendment to omit the clause came up for discussion in the Council there was a long and bitter debate. The advanced Hindus tried to retreat gracefully and make out that they had no intention of forcing one of the principle tenets of their religion on the Muhammadans. The latter quoted with bitterness the further amendments tabled and rejected the proposal. The division list showed 55 members, *i.e.*, the officials, the European non-officials and the Muhammadans voting for the deletion of the sub-clause (without a single non-official Hindu) and 31 members (all Hindus—non-official) voting for its retention.

*Present position in regard to the cleavage.*—The present state of feeling between the communities is far from cordial, as is shown by the following incident.

On March 20th, 1923, Babu Indu Bhusan Dutta moved a motion for reduction of the demand under ' 25—General Administration ' in order to put forward the position that retrenchment should be made by stopping recruitment for the Indian Civil Service, the places of Indian Civil Service officers being filled by Deputy Magistrates. He was opposed by Babu Nirode Behari Mullick, an elected Hindu member coming from the depressed classes, who said that the backward classes objected to their

interests being left in the hands of the Deputy Collectors who were recruited from " a certain class." Two leading Muhammadan members took up the point. Maulvi Yaquinuddin Ahmed said that for a long time to come European officers would be required to safeguard the interests of the backward classes and of the Muhammadans, and that those communities always wanted a European officer rather than an Indian one. The Hindus raised a cry of ' question,' but the member adhered to his argument and declared that " whenever there is an Indian officer in any place of authority he puts all his relatives in the department and that is resented extremely by the people of the minorities who are not related to the officer." Khan Bahadur Wasimuddin Ahmed (who had moved against the Government in 1921 the motion for the cut of Rs. 23 lakhs) then rose and referred to the attitude of Hindu district officials on the cow-killing question, and he went so far as to say openly that " the people are in a position to say that they would rather be under foreign yoke for centuries than under the thraldom of Deputy Collectors who are quite unfit." He declared that it was the Indian Civil Service officers who held the balance between Hindus and Muhammadans. Both these members spoke with vehemence and had the clear support of the main body of Muhammadan non-official members.

Three Hindu members of the advanced party took up the challenge saying that Indianisation was the accepted policy now, and one (Dr. Pramathanath Banerjee) said bitterly that " now that some of the Muhammadan members wanted to do away with Indianisation, would it not be better to do away with the Reforms altogether ?" In spite of this, Babu Indu Bhusan Dutta's motion was lost, without a division being claimed.

For the moment the Muhammadans generally appear to have come to the conclusion that the Hindu members are working really for the establishment of a Hindu raj, and that they are merely exploiting the Muhammadans in the talk of unity so as to get them into their power when the British are practically eliminated. The Hindus of course deny this and resent this attitude of distrust, but they have chiefly got to blame their enthusiasts for the situation which has been created, and their own solid votes on the subject of cow-killink are at least significant of inability at present to sink their religious sentiments in a combined national movement.

*The Council except for a few members not definitely hostile to Europeans.- The racial question. Attitude of the Council towards Europeans.*—The general feeling in the Council is not definitely hostile to Europeans, though this hostility undoubtedly exists in the case of a small extreme nationalist group, who take a delight (though they have learnt caution to some extent) in making offensive remarks against the Europeans.

*Bitterness on account of differential treatment in hospitals and jails. Question of European education.*—A large number of Indian non-official members (moderates and extremists alike) are bitter against differential treatment between Europeans and Indians in hospitals and jails. In the matter of hospitals the moderate members confine themselves to a desire to refuse State aid to any hospital which does not admit Indians. The more extreme party would reduce the European who enters a hospital or jail to the Indian scale of living. Institutions like the Kalimpong Homes and the Dow Hill School are regarded by them also as receiving an undue measure of support. There is, however, at present a sufficiently friendly feeling among the members to prevent an intensive campaign against these institutions.

*Good feeling towards Europeans shown by the Indian non-official members in the Council.*—On the other hand the Council threw out a proposal by an extremist member to reduce further the European representation on the Corporation of Calcutta, the mover not daring to challenge a division. Indian non-official members also frequently acknowledged in the most friendly terms the work of European officers.

*Objection in the Council to the scale of the salaries of European officers.*—The non-official Indian members, however, resent the payment of the present scale of salaries to European officers, partly because the number and pay of these officers is fixed by outside authority, partly because they say that the country cannot afford to pay such large salaries, and partly because Indian officers on much the same pay are extremely well-off in their own country, and Indians who have never left that country cannot appreciate the difficulties of European officers serving in the tropics and far from their homes.

*Courtesy of Indian members outside the Council Chamber and the private apprehension of some of them as to the future.*—Outside the Council Chamber all (except perhaps three or four of the extreme members) talk with great courtesy and good feeling to their European non-official colleagues and to the European officials. The general idea, running through the speeches of Indian non-official members during the first year of the life of the Council, that the European officer was making a fortune out of the Indian and would rather do anything than forego his alleged profits has been largely dissipated by the number of premature retirements.

*The non-official Europeans hold their own in debate.*—As to the non-official Europeans, when they are attacked they hold their own in debate, in particular Sir Robert Watson Smyth (in 1921-22); Mr. Langford James and Mr. Travers. These gentlemen have indulged on occasions in some plain speaking and are held in respect.

*The real test is still to come.*—In judging the work of the Council as a whole the greatest credit must undoubtedly be given to it and to the Ministers for steadfastness in the matter of the taxation Bills. Bengal led the way in taxing herself at the time when non-co-operation was at the height of its power. Every allowance must also be made for the bitter disappointment caused by the financial stringency and the failure of the first efforts to remove it, and so far as " law and order " is concerned there might have been a stronger leaning towards the Government had the extreme non-co-operation party been present in force in the Council to make matters unpleasant. The real test will come after the next elections when there is in the Council a party avowedly opposed to the maintenance of the British connection. It is not the fault of the Council that they have not a better record to show of medical, educational and sanitary improvements effected. They did all they could in this direction, but the Meston award gave them no chance. On the whole their record has been one of steady progress and in the case of an increasing number of members of an honest endeavour to understand the difficulties of Government and to co-operate with them.

*C.—The Constituencies and the Public.*—

(i) The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye-elections to the total number of votes on the register.

98 per cent. of the persons enfranchised are electors in the Muhammadan and non-Muhammadan general constituencies which return 85 members. The information which is here given relates to those constituencies and does not relate to the special constituencies which return 28 members.

The number of enfranchised persons at the general election was 1,006,216 out of a population of 44,618,000 or 2.2 per cent.

In the contested elections the percentage of voters exercising the franchise was 29.3.

The following table shows in respect of the non-Muhammadan and Muhammadan general constituencies, urban and rural, the percentage of enfranchised persons to the total population and the percentage of votes recorded to the number of electors on the register in contested elections at the general election :—

| Constituencies. | Percentage enfranchised. | Percentage of votes recorded to electors. |
|---|---|---|
| Non-Muhammadan Urban .. .. .. | 5·0 | 41·8 |
| Non-Muhammadan Rural .. .. .. | 2·4 | 33·8 |
| Total non-Muhammadan .. .. .. | 2·6 | 34·5 |
| Muhammadan Urban .. .. .. .. | 3·0 | 16·3 |
| Mohammadan Rural .. .. .. .. | 1·9 | 22·4 |
| Total Muhammadan .. .. .. .. | 1·9 | 22·2 |

In three contested bye-elections for which figures are available the percentages of electors who voted were 13, 8, 17, 3 and 6.6.

The facts of the non-co-operation movement on the electors are thus summarised in a report prepared at the time :

"It would be incorrect to ascribe the relatively low percentage of Muhammadan electorates that exercised the franchise entirely to non-co-operation, for as a whole the Muhammadan community is less educated and less politically active than the non-Muhammadan. It is probably correct to say, however, that the non-co-operation movement exercised an appreciable influence in restricting the size of the polls in the general constituencies and that this was more marked in the Muhammadan than in the non-Muhammadan electorates."

(*ii*) The interest evinced by the constituencies and the public in the work of the Councils.

The constituencies and the public outside Calcutta have not evinced much general interest in the work of the Councils. The result of enquiries made from District officers at the end of 1921 was to the effect that the constituencies, had not then begun to realise that they had any voice in controlling policy. More recently the public have had occasion to consider a measure which will have almost universal effect in rural Bengal, *viz.*, the Bill to amend the Bengal Tenancy Act drafted by a Committee appointed in response to a resolution of the Council.

The discussion of this Bill outside the Council has stimulated public interest in the Legislative Council, but it is Government rather than the Council that is credited with the power of final decision. In marked contrast to this interest is the general public apathy to the proceedings of the Legislative Assembly relative to the enhanced salt tax. This measure though attracting a great deal of notice in the press appears to have had very little effect on the constituencies.

(*iii*) The extent to which the formation of political groups or parties in the Council is reproduced in or decided from the constituencies.

At the present moment the most definite political party in the Council is the Muhammadan group whose policy is communal representation on local authorities, reservation of appointments for Muhammadans, and resistance to Hindu interference with cow-killing. The views of this party are derived from and truly represent the feelings of the constituencies, and no Muhammadan who does not share these views could get any following. Apart from this instance, it can hardly be said that political groups derive their ideas from the constituencies. The desires for Indianisation of services and the expansion of the work of the transferred departments at the expense of that of the reserved, and the reluctance to take vigorous action against political offenders though existing in the constituencies, cannot by any means be said to be the policy of the rural constituencies, where the British official and an efficient police force are appreciated, and agrarian unrest fomented by agitators is recognised as an evil. At the beginning of 1922 when there was occasion for supporting Government in maintaining law and order, the landlord members in the Council were much less outspoken in their demand for the maintenance of order than their fellow landlords in the District.

(*iv*) Electoral organisation in the constituencies, political programmes, parties and party funds and machinery, and

(*v*) the influence of the press on politics and political opinion and the promotion of organs of the press supporting the views of particular groups or parties in the Councils.

At the time of the general election there was no political organisation in rural Bengal except the District Congress and Khilafat Committees, and their influence was in the nature of the case purely negative. The only other electoral machinery at hand was the rent-controlling establishment of the landlords which exercise great influence on purely personal lines. Political programmes were non-existent, and there were no party funds outside the Congress and Khilafat Committees. The activities of the press were chiefly concentrated on opposition to Government and the reforms.

Subsequently in 1922 the Citizens Protection League was formed in Calcutta as a result of the apprehensions of the well-to-do classes. This League commands considerable funds, but has not yet succeeded in exercising much influence in the constituencies and has not always been fortunate in the choice of its Agents.

In Bengal the press exercises a commanding political influence among the literate classes, and through the practice of reading newspapers aloud in villages, a substantial influence among the illiterate. No paper, however, can be made to pay without a steady outturn of

racial biteerness and of abuse of Government. Consequently those papers which support the Reforms have a very limited effect. In recent months with the decline of interest in the Khilafat question the Muhammadan press had for its principal motive the promotion of communal representation and of a communal policy in the filling of Government posts, which is the policy of the Muhammadan group in the Council The Ministers have been mercilessly attacked for their failure to remove all the ills of rural Bengal, and the only policy which receives any considerable measure of support is that of opposition to Government.

*D.—Political agitation and parties outside the Reform Scheme.*

The attitude and activities of the Congress and Khilafat parties outside the Council in 1921 and 1922 are well known and need not be described. The views of these parties were represented in the Council by a group of 25 to 30 members almost entirely composed of Hindus. This group omitted no opportunity to attack the measures of Government for the maintenance of law and order, the imprisonment of political offenders and the use of the Criminal Law Amendment Act. Such opposition was expected from these members and gave no cause for surprise, but a more serious feature was the lack of political courage on the part of the landlord members who were known to be in favour of the measures of Government. It, was the timidity of those members which brought about the contradictory result in the cold weather of 1921-22 that the Council after voting the funds required for the maintenance of order proceeded to censure the Government for the measures taken for that purpose. Their attitude may be ascribed to a fear of vocal public opinion which was entirely controlled by the Congress and Khilafat organisations and to that extent these organisations exercised an influence over the Council. At the end of the year 1922 it had become clear that non-co-operation as a militant political attitude was dead, and the majority vote at Gaya in December did not alter this fact. The manouvres by which the Council-entry party have secured the approval of their policy by the All-India Congress Committee at Bombay are recent history, and the important questions of the near future are what proportion of the seats will be secured by C. R. Das' followers in the next Council, and what will be their attitude when they get there. Though the extreme non-co-operators, whose views are expounded in Bengal by the 'Servant' are still making a great show of opposition, the fact that the 'Amrita Bazar Patrika' and the 'Bengalee' are now giving substantial support to C. R. Das indicates a wide-spread belief in his prospects of success at the polls. The reluctance of C. R. Das' party to abjure the word "non-co-operation" is due no doubt to the importance which they attribute to the local Congress organisation. It is probable that the politicians have underestimated the strength of the landlords' influence which is less noisy than their own, but it is to be expected that there will be a substantial representation of the Congress party in the next Council. This position has to some extent altered the attitude of individual members of the present Council. Their fort is now attacked and it is no longer a fight between the bureaucracy and organisations outside the Council which they can afford to watch without much interest; they must either acknowledge the leadership of C. R. Das or fight for their seats and their influence in Council. The Das' party have abjured Government

appointments and it might be thought that the ministerial party could come to terms with them ; but not much faith is placed in this abjuration and the ministerial party are prepared to fight. This will mark the first real advance to party government and although this new party will at the beginning make administration difficult, yet, judging by experience with the present Council it is not unreasonable to hope that its attitude will improve after its first outburst.

During the past year non-co-operators have been elected to seats on Municipalities and District Boards in considerable numbers. They have not at present shown any signs of a desire to wreck these institutions, and the situation in this respect has not given cause for alarm:

**United Provinces.**

Letter no. 1002-C.N., dated 22nd August 1923.

From—The Chief Secretary to the Government of the United Provinces,

To—The Secretary to the Government of India, Home Department.

I am desired to enclose a report on the working of the reformed constitution in reply to letter no. D.-917 of the 23rd April. I am to say that the views expressed are those of the Governor in Council and the Ministers. As however the Minister for Education has not yet furnished his comments on the report, his remarks will, if necessary, be forwarded later.

REPORT.

**A.—The Executive Government.**

*Paragraph 3. A (i).*—There has never been any "allocation" of funds as between reserved and transferred subjects, in the technical sense in which the term is used in Devolution Rule 31 ; nor has there been any request on the part of Ministers that such allocation should be made. The first reformed budget preceded the financial stringency, which has since been increasingly acute. But alike in the opening days of comparative prosperity and in the lean period which rapidly succeeded them, the budgets laid before the Legislative Council have been settled by agreement at meetings of the whole Government. From the birth of the new consituation, so far as financial considerations permitted, transferred subject have never been stinted for money. If anything, the demands of the transferred subjects have been met with too great liberality. In 1921-22, for instance, the net grants for transferred subjects exceeded the actual expenditure by 3.2 per cent. ; or reserved subjects the similar figure was 2.4 per cent. The results of the budget of 1923-24 are also striking. Economies to a total sum of 108 lakhs were effected. Out of this total a sum of 37.5 lakhs was contributed by the transferred subjects, whilst a sum of 70.7 lakhs was reduced in the reserved subjects. On the other hand there were additional charges of 98 lakhs. Of this a total of some 58 lakhs was in the transferred budgets and some 40 lakhs in the reserved budgets. It is incontestable that transferred subjects—

(*a*) have received as much money as they required—subject of course to the restriction imposed on expenditure by financial stringency, and

(*b*) have been subjected to the process of retrenchment in a much smaller degree than the reserved subjects.

It is also the case that in 1921-22, when there were (or seemed to be) ample resources at Government's disposal, the transferred subjects received more money than they could really spend.

*Paragraph 3. A (ii).*—Three lists are enclosed (Appendix I) showing the organisation of the Secretariat prior to the Reforms, the reorganisation which was temporarily sanctioned in 1921, and the rearrangement brought into force after two years of experience from the 1st April, 1923. Financial pressure is largely responsible for the last stage, and until the Governor in Council has more experience of it, he cannot say if the retrenchments and reductions effected will stand the test of actual working.

The proposal to make Heads of departments *ex-officio* Deputy Secretaries has been tried only in the Education Department, where the Director of Public Instruction has recently been gazetted as *ex-officio* Deputy Secretary.

It must be remembered that the executive functions of the Board of Revenue have been transferred to the Government. This change coincides with the latest reorganisation of the Secretariat and to a large extent accounts for the fifth Secretary.

Under Devolution Rule 36 a Joint Secretary in the Finance Department may be appointed if the Ministers so desire. In January, 1921, the Ministers were duly asked if they wished such an appointment to be made and they replied in the negative. In January, 1922, in connection with the proposed reorganisation of the Secretariat, a proposal was made to increase the staff of the Finance Department. On this occasion one of the Ministers suggested that the proposed increase of staff might be effected by appointing a Joint Secretary under this Devolution Rule. When it was pointed out to him that such an appointment might lead to difficulty and friction, he withdrew his suggestion. Otherwise no desire has been expressed to create this particular post in any shape or form ; which (so far as it goes) may indicate that Ministers were satisfied with the Finance department's

*Paragraph 3. A (iii).*—Experience in the United Provinces has not shown that Council Secretaries are of any value and has substantiated the criticisms of those who urged that they were an excrescence on the scheme : a survival in fact from an earlier stage of the discussions when the appointment of Ministers was not contemplated.

The arguments of those who urged that the plan of creating permanent committees of the Legislature to advise on the working of special departments was not in accordance with English parliamentary practice, and was likely to interfere with the right relations of the executive and Legislative have found some support in subsequent experience in this province. Ministers themselves preferred the system of advisory boards composed partly of experts, official and non-official, and partly of members of the Legislative Council. Their advantages are that they represent practical knowledge rather than political feeling. There exist several such boards, dealing with public health, education, industries, agriculture, communications, industrial loans and cattle breeding. The Governor in Council views with some concern the tendency to multiply committees ; but he recognises that their existence does something to satisfy a demand and to spread information.

There are however four standing committees of the Legislative Council. Two, the Finance Committee and the Public Accounts Committee, are essential. The Publicity Committee was created in place of a previous informal board as a means of reconciling the Legislature to the continuance of some organisation for publicity purposes. The fourth committee has recently been created in response to a resolution in Council to advise the Minister on matters of local self-government and public health and medical questions.

It is noteworthy that the constitution of the Finance Committee is almost our only departure from English financial practice. The English Estimates Committee can only consider proposals for expenditure after they have been passed by Parliament, with the result that their views can only be taken as a guide for the framing of future estimates. The Governor in Council believes that attempts have been made in England to constitute committees with functions similar to those of our Finance Committee, but these attempts have always failed because it was felt to be impossible to prevent such a Committee from interfering in matters of policy. Our experience justifies those fears ; and unless action is taken to curb its powers and restrain its eccentricities, it may be expected that both sides of the Government will regret its existence.

*Public Accounts Committee.*—The functions of this Committee are laid down in the United Provinces Legislative Council Rules 33 and 34. The first meeting was held in July 1921, when certain audit irregularities relating to a period antecedent to the Reforms were laid before them for consideration. Subsequently the Auditor General ruled that the Committee were only concerned with matters that had occurred since the Reforms came into existence. The principal function of the Committee is to deal with audit and appropriation reports, which are invariably presented a full year after the period to which they relate. The reports for the year 1921-22 have only recently reached Government : and as a consequence partly of this fact and partly of the Auditor General's ruling the second meeting of the Public Accounts Committee was not held till February 1923. The Council therefore have not yet fully realised the importance of the duties of this Committee. The Auditor General and Accountant General were present at both their meetings and their guidance kept the Committee from going astray. Care is also taken to present all cases of irregularity to the Committee in a quite impersonal way. No names of officers at fault, or in any way concerned with the case under discussion, are ever given. The result of this is to reduce the chance of inconvenient side issues being raised. It is however too soon yet to say how the Committee will ultimately develop, though the beginning so far made is promising. Here again Government have under consideration the framing of the rules of procedure for this Committee.

Of the Committee on Public Health, etc., little need be said. It enables the Minister to explain to the Committee what he would otherwise have to explain in Council ; and it helps to relieve the Minister of responsibility for decisions. These consequences are not wholly good.

The conclusions of the Governor in Council on the standing committee system generally are that it ought to be absolutely confined to the subjects of finance and public accounts. There are clear indications that its extension into the administrative departments will mean collision with members and Ministers and result in the duality and confusion which attends the working of a similar system in France.

Special committees are a different matter. These have been appointed from time to time either in response to a resolution in Council or in deference to public demand otherwise expressed to investigate particular subjects ; but though members of the Legislature have been well represented on them, they have usually contained a due proportion of members chosen for their knowledge of the subjects. Their reports are made not to the Council but to Government. They have investigated many questions of importance and often though not always with results of great value. The Government takes such action on their reports that it sees fit, realising that any action not in accord with the views of the legislative members of the committee may be challenged in Council. It may be added that some of the most important committees (settlement, executive and judicial functions, Commissioners of divisions, and economy generally) are concerned with questions which this Government cannot entirely decide without reference to higher authority. But, generally speaking, the Governor in Council looks on such inquiries by special committees as a natural and legitimate development of Reforms and has no doubt that the results of such inquiries will afford much valuable information and advice to Government and in no small measure affect its policy.

*Paragraph 3. A (iv). A.—Local self-government.*—The late Minister's policy amounted to avoiding official interference with local bodies as far as possible. He rejected proposals made by Commissioners for the supersession of two large municipalities which it is probable, though not certain, that a pre-Reform Government might have accepted. He inclined to sympathise with local bodies when they came in conflict with officialdom over questions of audit or public health. He wavered between a desire to see local bodies competently run and a reluctance to apply pressure to them. It is likely that a stronger attitude on his part would have stimulated the growth of extremism in the towns.

As regards municipal taxation the Minister was on principle in favour of direct rather than indirect methods as pressing less heavily on the poor. But he doubted the practical value of terminal taxation as a substitute for octroi : and his preference for direct taxation was towards the end weakening under the pressure of the popular demand for octroi. In fact though not actually in name his administration witnessed the reversal of the official condemnation of octroi as a system of municipal taxation. But things were already tending that way before the Reforms : and the Governor in Council does not doubt that the matter is one in which Indian preferences must prevail.

The late Minister also accepted a Bill put forward by one of his supporters for reducing the municipal franchise. Of its effects it is too soon to speak.

The recent municipal elections have resulted in nine boards being composed almost entirely of extremists ; while in eight boards extremists share half the seats and elsewhere they are in a minority. They succeeded better in large than in small towns in some districts and their success made a temporary impression which led some district officers to expect startling developments. So far these have not occurred. The extremist boards seem generally endeavouring to show that they can do better than their predecessors.

District boards were mainly in a state of suspended animation awaiting the new dispensation and the financial relief vainly anticipated from it. The District Boards Bill was introduced in the autumn session

of 1921, the Select Committee met in spring of 1922 and the Act was passed in the following November. The measure completely de-officialised the boards. Official control was minimised, except that Government was empowered to prescribe the minimum staff to be maintained by the boards. The franchise was reduced generally to the level of that for the Legislative Council. Muslim ratepayers were given a separate electorate with a fair amount of weighting where their precentage is low. Restricted powers of taxation were conferred in the form of a tax on circumstances and property and of an increase in the local rate. The original Bill gave boards sources of income sufficient for all reasonable needs for ten years, but the majority in Council cut down the taxation proposals so drastically as to render their benefits of small effect.

The future outlook of district boards is not promising. The members are scattered, the area enormous, supervision will be difficult, and the force of public opinion which has hitherto not been effective even in municipalities is likely to be negligible. It is difficult to see where the driving force is to come from.

Recent board elections were held on the existing provincial electoral roll ; and political considerations affected them but little. The district board remains the landlords' natural field, but he shows small disposition to cultivate it in the same way as the professional man has made the municipalities his own.

*Paragraph 4. B (i).*—A summary of Government legislation passed by the Council is given in Appendix II. Acts II, III and IV of 1921, and Act X of 1922 were of great importance ; none of these passed easily. In the Select Committee on the Intermediate Education Bill many dissents were recorded ; and the measure passed only when the Government exerted itself to rally the landlords. The Oudh Rent (Amendment) Bill was a most contentious measure. It had long been known to Government that Oudh tenants needed protection ; and agrarian discontent had reached a pitch which made it necessary to take up their case. The Bill sought to give all tenants with certain exceptions a life interest in their holdings with five years reversion to the heir, and to determine rents with reference to rates revised every ten years. Progressive members, mainly representing urban interests, pressed unsuccessfully for the grant of hereditary rights. The landlords were opposed to the Bill ; but eventually were induced to agree to grant the tenants a life interest, partly by the prospect of continued agrarian agitation, and partly by certain concessions made to them in the Bill itself, particularly in respect of *sír*, a point which they carried in Council in spite of the opposition of Government. As a result of constant negotiation between Government and the landlords, many landlord amendments, which would have defeated the purpose of the Bill, were withdrawn ; but there is no doubt that the Bill would have been lost but for the late Governor's great influence with the Oudh taluqdars which was ably and resolutely exercised. Whether the measure has settled the agrarian difficulties in Oudh, only the future will show ; but there is reason for hoping that it will bring great and lasting benefit to many long-suffering tenants.

Act X of 1922 also had a troubled passage. The landlords took strong objection to the taxation clauses, and the apportionment of Muhammadan representation on the boards also gave difficulties. The Governor himself held a conference with leading members of the Legis-

lature and secured assurances which eventually led to the passage of the Bill ; but the taxation provisions had to be severely restricted.

With these exceptions and the further criticism of the taxation measures noticed below, the attitude of Council to Government Bills may be described as favourable. Criticism has mainly been concerned with detail. The Council has shown disinclination to accept as final recommendations of its own Select Committees, and many amendments have been moved after presentation of a Select Committee's report.

In marked contrast to its readiness to pass resolutions, the acceptance of which would entail heavy expenditure without any suggestion how the money is to be provided, the Council have been disinclined to pass measures of taxation. In 1921-22 the Government's attempt to derive more money from court-fees was defeated at the first reading. The Bill had been introduced for the purpose of increasing revenue, but was probably justified on the ground that the existing rates were of old standing and no longer bore any relation to the wealth of the people or the purchasing power of money. But the financial situation was not at the time sufficiently serious to overcome the fear that any measure of additional taxation would be unpopular and might cost its supporters their seats. The Governor in Council does not think it surprising that on the first occasion on which the new Council was asked to face such responsibility it declined to do so. In 1922-23 the financial situation was so serious as to leave the Government no option but to reintroduce the Court Fees (Amendment) Act, and also the Stamp (Amendment) Act, and the Motor Vehicles Taxation Act. The attitude of the Council towards these measures was hostile but not unreasoned. It allowed all three Bills to go to Select Committee, though with much opposition in the case of the Court Fees Bill. In committee the Bills were freely altered so as to reduce the yield of the additional taxation, and on the second reading they were vigorously attacked. But chiefly as a result of certain concessions offered by the Government they were finally accepted, and passed for one year.

On the whole the Governor in Council does not think that the Legislative Council responded badly to the call to them to shoulder responsibility. It is true that the new burdens were moderate, that large concessions had to be made, and that the additional revenue was granted in the first instance for one year only. But the fact remains that a Legislature unaccustomed to such a decision and within nine months of dissolution agreed to place moderate additional burdens upon the taxpayer in order to maintain the provincial finances on a sound basis.

In no case did the Governor find it necessary to certify a Bill under section 72E. Sir Harcourt Butler returned one Bill, the Oudh Rent (Amendment) Bill, for consideration of two amendments under section 81A before he gave his assent. The Agra Pre-emption Bill was reserved for consideration by the Governor General under section 81A, because the measure affected the religion of a class of British subjects. There has been no instance of resort to extraordinary legislative powers.

*Paragraph 4...B (ii).*—Private legislation has been rare and unimportant. The Agra Pre-emption Bill though introduced by a private member was to all intents a Government measure, being identical with the Bill which had been introduced by Government in the old Council and then failed to pass for want of time. Another private Bill, the United Provinces Municipal (Amendment) Bill, which aimed at altering

the electoral qualifications was also supported by Government. A third private Bill aimed at postponing the municipal elections. Government opposed it because the elections were already proceeding and the Council rejected the Bill. One other private measure of some importance has been introduced, the Agra Tenancy (Amendment) Bill, intended to set aside a ruling of the Board of Revenue in respect of certain seven years' leases. The Select Committee has not yet reported on the Bill. Its promoter is now a Minister and Government's attitude to the Measure has not yet been decided.

*Paragraph 4 B (iii).—Financial business.*—The attitude of the Council towards expenditure differs largely from that which obtains in the House of Commons. The tradition of permanent opposition inherited from pre-Reform Councils results in substantive attacks on expenditure, and not merely in the moving of insignificant reductions which could not of themselves cripple the activities of the spending department concerned. For a variety of reasons, these substantive attacks have rarely proved effective.

The Council has exerted itself to enforce and extend its financial powers. Non-voted expenditure is deeply disliked and non-voted salaries are attacked through the connected voted items. For example, the non-voted officer's clerks, travelling allowance or contingencies are challenged.

The Council's financial interest in land revenue and irrigation rates has led to an undertaking to embody the more important processes of revenue settlement in statute law and to the appointment of a committee to consider the best means of bringing changes in irrigation rates within the purview of the Council.

The form of the budget has been to some extent rearranged to make it easier to understand.

Proposals for reductions have often been met by compromise ; sometimes from expediency and sometimes because Government have themselves been convinced by the arguments advanced. Reductions moved by the Council and accepted in whole or part by Government have reached a substantial sum. The figures are as follows :—

| *Year.* | *Total amount voted.* | *Reductions.* |
|---|---|---|
| | Rs. | Rs. |
| 1921-22 .. .. | 10,26,32,579 | 2,77,792 |
| 1922-23 .. .. | 15,82,91,400 | 1,42,000 |
| 1923-24 .. .. | 10,61,37,466 | 4,73,644 |

These figures do not include reductions proposed by Government themselves—which occasionally occur as a result of facts ascertained between the time that the budget was first passed and the time it was first presented—and reduction by Councils in spite of Government's opposition.

*Restoration of rejected demands.*—Items have been restored twice only. The first was in 1921-22 in respect of a sum of Rs. 33,200 under Forest salaries. The facts were insufficiently explained to the Council, and it was imperative to restore the item to avoid a breach of contract with certain officers temporarily employed. When fully informed of the facts the Council raised no opposition. The second occasion was in 1923-24, when the Council threw out a scheme for reorganising the Criminal Investigation department. This scheme had originally been placed before Council and rejected by them on the ground that it had not been

considered by the Finance Committee. It was then laid before the Finance Committee, and a second time placed before the Council on a supplementary vote. The scheme in the meantime had been modified and it was found possible to carry it out without any substantive addition to the Police budget. In spite of that fact it was again rejected. The sum involved a token figure of Rs. 10, which latter the Governor restored.

*Measures of retrenchment.*—As early as August 1921 officers were placed on special duty to examine methods of retrenchment. They worked steadily from that time up to the end of the year 1922. During the budget debate in 1922 the Council drew attention to the question of retrenchment and asked that a committee be appointed to examine it. It was however satisfied with the promise that all measures of retrenchment should be laid before the Finance Committee, as they were ready for discussion. A certain number of the retrenchment officers' proposals were so laid, but for the most part little or nothing was done by the Finance Committee in this matter—except to postpone consideration of successive proposals to a future meeting. Delay had been caused by the examination of the retrenchment officers' proposals in the departments ; but it was found possible to give effect to many of them in the estimates of 1923-24. In those estimates, as originally put forward, the total sum of economies thus effected was Rs. 38,95,000. In addition a sum of Rs. 11,25,000 had been incorporated in the estimates of 1922-23. During the course of the budget itself, however, further economies were effected to the extent of some 9 lakhs. A second resolution asking for the appointment of a retrenchment committee was moved in the cold weather of 1922-23, and on this occasion the resolution was accepted by Government. An Economy Committee was accordingly appointed and has recently begun its sessions. Government however are still going on with their own investigation of possible economies and there are several schemes at present under consideration ; though some of these, notably the report of the committees on the reorganisation of the Public Works department and the abolition or reduction of Commissioners will, if accepted, require the sanction of the Secretary of State.

*Proposals emanating from the Council involving increased expenditure.*—Appendix III contains a list of resolutions involving increased expenditure which were moved during the first two years of the Council, together with the cost involved where this is known.

*Paragraph 4. B (iv) (a).—Resolutions.*—A statement is attached (Appendix IV) showing the extent to which resolutions adopted by Council or withdrawn in consequence of assurances from Government have been acted upon by Government. This relates to Sir Harcourt Butler's period of office. It will be seen that in a multitude of smaller matters and in a number of larger matters as well the Government has given effect to the Council's wishes. Among the latter may be mentioned the method of recruitment of deputy collectors, the hearing of income-tax appeals, forest administration in Kumaun, religious instruction in schools, the abolition of the Board of Revenue, the annual move to the hills, the civil courts vacation, the settlement policy, the treatment of political offenders, and the establishment of advisory committees on excise.

Instances of resolutions adopted during the present year on which Government has taken action are those (1) proposing to accept an offer from the contractors which will expedite the construction of the new council chamber, (2) proposing a committee to revise the electoral regulations, (3) proposing the enfranchisement of women, (4) proposing to bring the control of irrigation rates within the purview of the Council. A resolution proposing the constitution of a university at Agra was carried in

spite of the Miniter's opposition, and his announcement that he did not propose to act upon it was acquiesced in by the Council.

The Government will probably decline to give effect to a resolution demanding the immediate listing of two more posts as Collector ; and they adhere to their refusal to lay reasons before the Council in any case in which they do not within three months give effect to a Council resolution.

The resolutions withdrawn in consequence of Government's assurances do not call for particular notice.

The Council showed its sense by rejecting some resolutions of an impractical nature, as for example, those recommending a committee to check non-cooperation, smoking in jails, conpetitive examinations for the subordinate police, and the entry of groves and trees in village records.

The Governor's power of disallowing resolutions has not been kept in abeyance. Sir Harcourt Butler disallowed one resolution (which escaped the President) on the ground that the issue was *sub judice*. On the ground that they could not be moved without detriment to the public interest, he disallowed two resolutions dealing with political agitation, and one which amounted to a complaint against an individual officer. On the ground that they related to matters not primarily the concern of the Local Government, various resolutions have been disallowed, relating among other things to the constitution, the all-India services, and the Premier's speech.

*Paragraph 4. B (iv) (b) Questions.*—Questions have been too numerous to admit of complete analysis. Very many seem legitimate requests for information on the greatest possible variety of subjects, but often made without due regard to sources of information already available. Many questions are asked in order to obtain material for further attack. It is noticeable in a budget debate how often arguments will be based on answers given to questions during the year. But much of the ammunition collected is never used and seems to serve no useful purpose. Those who put questions seem to pay scant regard to the amount of time and labour involved in answering them. The Government refused, for example, to furnish a statement showing the number of civil cases during the past five years throughout the province, in which the decretal amount was more than double the principal. But when a statement was asked for giving the names of the students who have passed out of the Agricultural College at Cawnpore during the past six years, together with their qualifications, present employment and salary, the Government allowed the information to be painfully collected. They complied with another request for a statement showing all new posts created in 1919-22, carrying a salary of Rs. 400 and over, with names and nationality of incumbents. The statement covers fifteen pages of the Council proceedings and is probably of no permanent value.

The object of other questions is to make suggestions to Government—" Will Government be pleased to consider the desirability " of this or that ? Examples are the suggested exemption from the Arms Act of zamindars paying Rs. 3,000 revenue, the combination of the posts of chief reader and stenographer in Collectors' offices, the constitution of cattle insurance societies and a fixed price for reports of Council proceedings. If such suggestions are not accepted the question is frequently followed up by a resolution. The President has from time to time disallowed resolutions of no great public interest on the ground that the matter should be first ventilated by question.

Many questions draw attention to grievances, of general or local interest, real or imaginary ; and often these are put in the interests of some particular community or class. A general grievance which formed the subject of many questions at the earlier meetings of Council concerned the supply of *rasad,* and these led to the appointment of the Rasad Committee. But the majority have been concerned with individual or local grievances.

Questions of another type are meant to call attention to scandals, real or imaginary, or misconduct by officials. As typical of these may be cited questions suggesting allegations of bribery against the Inspector of Boilers ; a question suggesting that the death of a man who fell down a well during a gambling raid at Fatehpur was really due to the police ; the questions about the death of a political prisoner in the Lucknow Jail ; questions suggesting that the district officers of the submontane districts spend too much of their time camping in the shooting areas, and a question implying that the sub-inspector of Malihabad had compelled people to repudiate their signatures on a memorial against an honorary magistrate.

Other questions are undoubtedly prompted by discontented officials —sometimes in the service interests of a class, but occasionally as a means of advertising their own merits or covertly attacking their superiors. The Government have let it be known that the supply of departmental information to M. L. C.'s for such a purpose is a breach of discipline.

Possibly the most important class of questions aim, by a process of reiteration, at inducing the Government to translate into action some proposal which is already before it, or to do something which the Council or some section of it has very much at heart. Questions of the former variety usually are mere requests for information as to what is being done, but they gain force by frequent repetition. An example is a long series of questions about the separation of executive and judicial functions. Of the other variety the most conspicuous example is the very numerous group of questions about political prisoners at various stages. First there were many questions about the action taken after scrutiny of the cases under the Criminal Law Amendment Act in 1922 ; then the release of the Allahabad 55 prisoners was agitated by the same means. Later there was considerable agitation for better treatment of political prisoners and for the concession of special treatment to individuals who were not getting it. More recently, since the release of " political " prisoners, there have been questions pressing for the release of the " non-politicals " generally or for special clemency for individuals. Agitation by means of questions (followed up in this case by resolutions) has also been carried on by certain members for an educational test for honorary magistrates. Such matters as the " hill exodus, " which the majority of members would like to see abolished, have been freely ventilated by questions. The full value of supplementary questions does not seem to have yet been realised, though more use is made of them than (it is believed) is the case in the Legislative Assembly.

*Paragraph 4. B (v)—Miscellaneous—(a) Expert members.*—Four times experts have been nominated to the Council for the purpose of special legislation, on the occasions of the Oudh Rent (Amendment) Bill (Mr. Hailey), the Aerial Ropeways Bill (Mr. J. A. Bell), the District Boards Bill (Mr. Pim), and the Excise (Amendment) Bill (Mr. Gibb). Their utility was greatest in Select Committee, though Mr. Hailey took an active part in the discussion in Council. The debates on ropeways and excise, after presentation of the reports of the Select Committees, were brief and

there was little need for the assistance of the experts at this stage. On no occasion did the Government derive any benefit from the vote of the expert members.

(*b*) *Motions for adjournment.*—Five motions have been made. The first proposed to discuss the application of the Criminal Law Amendment Act. The Prince of Wales was coming to the Council the next day, and the Governor disallowed the motion in the public interests. The second proposed to discuss Mr. Montagu's resignation. The President ruled it out as no resolution could be moved on the subject. A third attempted to discuss the Government's refusal to withdraw the Criminal Law Amendment Act and failed for want of a quorum. Several members voluntarily absented themselves, because they regarded the motion as equivalent to a vote of consure on the Governor. The President disallowed a fourth, moved the very following day, which attempted to criticise official members' absence on the previous day ; and also a little later, a fifth which desired to discuss the Secretary of State's rejection of the Legislative Assembly's resolution about extending Reforms.

It seems that the Legislative Council has not yet appreciated the effective use of such motions.

(*c*) *Standing Orders.*—The only amendment of real importance which has been made reduces from one year to six months the period within which a resolution cannot be moved after a similar one has been discussed. This amendment was carried against Government. A relevant fact was that a resolution about political prisoners had just been ruled out under the old rule. The only other amendments reduce from 25 to 20 the number of members necessary for giving leave to move the adjournment of the Council to discuss a matter of public importance and to move an amendment to Standing Orders. This is ineffective, as 25 are still needed for a quorum. Another gives the right of reply to the mover of an amendment to a clause of a Bill. Another provides that printed answers to the questions should be on the table an hour before the Council meets and the last enables a member, who cannot be present to move a resolution in his name, to nominate a member in writing to move it for him. A modification requiring the consent of the President for this was adopted as a result of an amendment moved by Government.

(*d*) *Oudh Courts Bill.*—A resolution was moved by Government in favour of this measure, because the Government of India declined to advise the Governor General to sanction its introduction until the Council had had an opportunity of discussing the scheme. The resolution was passed after some opposition.

*Paragraph 5* (*a*).—Omitting perforce extremist opinion, the Legislative Council may be said to reflect fairly current public opinion. On the other hand, the Council reacts but little on public opinion. The bond between the member and his constituents is so far of the slightest. The nursing of constituencies with the resultant interaction of opinion as between member and voters is practically unknown, and cannot emerge until political conciousness is more widespread, and the lever conferred by the vote more effectively understood. The immediate *entourage* of the Liberal and Progressive parties reacts to Council opinion, but beyond that little or nothing can be said.

*Paragraph 5* (*b*).—Very few members make a practice of addressing their constituencies. In only one instance is a member known to have had some of his more important speeches in Council translated and circulated to his constituents. The Liberals rely chiefly on the press for the dissemination of their views and activities. In the *Leader* they possess an

influential organ well-suited to this purpose. The landholders are only slowly awakening to the value of preparation and organisation.

*Paragraph 5 (c).*—In 1921, parties gradually took shape, but even now the boundary lines are blurred and indistinct ; while in the background communal interest always remain, threatening at times to submerge ordinary party divisions. The parties claiming recognition are the Liberals, the Progressives, the landlords and the progressive landlords. There is no Progressive party outside the Council. This party acts with the Liberals but keeps its freedom in reserve. Muhammadans have generally voted with the landlords. The progressive landlords sprang into existence as the result of dissension over the District Boards Bill. Generally speaking, this group now acts with the Liberals, except where landlord interests are immediately involved. The united landlords possess a clear majority in the council.

*Paragraph 5 (d).*—The Council has had from the beginning the signal advantage of possessing a competent President who has won and retained the complete confidence of all parties. The President made a special study of parliamentary practice and tradition, and his authority has been maintained with out an effort. The foundations of sound traditions and practice, based on English precedent, have been firmly laid. No unfortunate incidents have occurred, and there has been not even a threat of disorderly conduct. On only one occasion was a question of breach of privilege raised, and Sir Ludovic Porter put himself right with the House by a frank explanation and apology. There have been no cases of organised obstruction. The debates have been conducted with decorum and in good spirit.

Questions are seldom disallowed. Indeed, the rules bar but few questions. Government retains its freedom to refuse information. Such refusal is often covered by the orders forbidding the disclosure of correspondence with higher authorities, or by the fact that the information asked for is confidential. It is difficult to draw the line, whilst any restriction on the right of interpellation is apt to be resented. Government has replied to scores of questions which involve an amount of research out of all proportion to the value of the replies. At times questions of this type are so unreasonable that the necessary investigation is refused. Questions prompted by public servants with axes to grind threatened to be frequent. Both the Government of India and the local Government have been compelled to issue departmental warnings on this subject. Other undesirable types of question seek either to advertise the merits of individual officials or to provoke inquisitorial researches into the conduct of officers and subordinates.

The work of committees has been described in the reply to paragraph 3 A (*iii*). No commissions have been appointed.

In the absence of the President, who is out of India, the Government cannot confidently say that there are marked signs of growth of parliamentary practice and traditions, though some attempt is made to adopt a parliamentary diction.

*Paragraph 5 (e).*—Party divisions, at first non-existent, are still somewhat nebulous. There is no body within the Council on which the Government can consistently rely.

The record of legislation during the last two and a half years is, however, a matter for congratulation. Considerable difficulties were overcome in connection with the Educational and District Boards Bills. But the most signal triumph was the Act which secured a life interest for the Oudh tenantry with the consent of the conservative taluqdars. This is an achievement which was thought impossible a few years ago.

*Paragraph 5 (f).*—The Liberals and Progressives may be said generally to have supported the Ministers and to have formed the opposition so far as the reserved half of the Government is concerned. The latter have received support from the landholders and the Muslims.

*Paragraph 6. C (i).*—Figures for votes recorded at bye-elections are not immediately available. The ratio of electors (males) to male population was 9 per cent. in the Muslim, 10 per cent. in the non-Muslim, and 18 per cent. in the European electorates. The proportion of voters voting at the last election in the constituencies where contests occurred was about a third.

*Paragraph 6. C (ii).*—The interest shown by the constituencies and public in the work of the Council is faint. The acoustic properties of the Council Chamber are not such as to encourage visitors. The newspapers are the only medium of communication and only English newspapers report council proceedings in any detail. The *Leader* has made a regular practice of giving full reports of the speeches of the leaders of the Liberal and Progressive parties. Other speeches are very briefly reported, if mentioned at all.

*Paragraph 6. C (iii).*—There is no development to note under this head.

*Paragraph 6. C (iv).*—The first elections were held under the influence of the non-co-operation boycott. Members were elected on personal grounds and not on party tickets, or through party organisation. Mr. Chintamani was one of the very few candidates who issued an election manifesto.

The Liberals possess in theory an electoral organisation in their Liberal Leagues, but in most places they have shown little activity. An attempt is now being made to organise the Leagues on a more practical basis, in view of the coming elections, and a party fund has been initiated.

The landholders as a body have hitherto lacked organisation. There is some talk of their organising with a view to the forthcoming elections.

*Paragraph 6. C (v).*—The influence of the press on politics and public opinion must be regarded as considerable in default of other sources of influence. The landholders are awakening to the fact that the absence of a party organ of their own is a handicap to their political prospects. So far, however, the matter has not progressed beyond discussion.

*Paragraph 7.* (D).—As the elections of 1920 were the first under the new system, experience is not available to show how far abstentions from the polls were the result of the Congress boycott campaign. Allowance must be made for the natural apathy of the electorates, particularly in the rural tracts. Party organisations were non-existent and of machinery for bringing voters to the poll there was none. The elections on the whole were regarded as a success.

The boycott saved the Legislative Council from the full effects of the non-co-operation agitation. This agitation could not fail to cause repercussions within the Council itself. These resulted in pressure on Government to deal leniently with persons convicted of political or quasi-political offences. It is too early yet to foretell the results of the *Swaraj* party's activities. The municipal elections have shown that the Congress party organisation in the towns is good and that in the towns, if anywhere, they will win their success. They have had markedly less success in the rural constituences of the district boards where the landholding interest is likely to hold its own. On the whole the Congress assault on the Legislative Council can be awaited with interest and without alarm.

Finally, it may be claimed that the new system has been given a fair start. It has survived a serious agitation and has already exemplified, to some extent, the steadying effects of increased responsibility.

## APPENDIX I.—(*See page 131.*)

*Distribution of work in the Secretariat in 1920.*

| | |
|---|---|
| **POLITICAL BRANCH—** | |
| II.—Appointment .. .. | Chief Secretary. |
| III.—General Administration .. | Chief Secretary. |
| IV.—Political .. .. .. | Chief Secretary. |
| VIII.—Police .. .. .. | Under Secretary. |
| XVII.—Legislative .. .. .. | Under Secretary. |
| XIX.—Vernacular .. .. .. | Under Secretary. |
| **JUDICIAL BRANCH—** | |
| V.—Medical .. .. .. | Secretary. |
| VI.—Judicial (Criminal) .. .. | Secretary. |
| VII.—Judicial (Civil) .. .. | Secretary. |
| XII.—Miscellaneous .. .. | Under Secretary. |
| XV.—Education .. .. | Under Secretary. |
| XVI.—Sanitation .. .. .. | Under Secretary. |
| **FINANCIAL BRANCH—** | |
| IX.—Local Self-Government .. | Secretary. |
| X.—Financial .. .. .. | Secretary. |
| XI.—Municipal .. .. .. | Under Secretary. |
| **REVENUE BRANCH—** | |
| I.—Revenue .. .. .. | Secretary. |
| Scarcity .. .. .. | Secretary. |
| XIV.—Forests .. .. .. | Secretary. |
| XIII.—Separate Revenue .. .. | Under Secretary. |
| XVIII.—Industries .. .. .. | Under Secretary. |

*Distribution of work in the Secretariat in 1921-22.*

| | |
|---|---|
| **CHIEF SECRETARY—** | |
| *Chief Secretary.* | |
| *Deputy Secretary.* | |
| *Assistant Secretary.* | |
| 1. Appointment department .. .. .. | With Chief Secretary. |
| 2. Political department .. .. .. | With Chief Secretary. |
| 3. Vernacular department .. .. .. | With Chief Secretary. |
| 4. General Administration department* .. | With Deputy Secretary. |
| 5. Police department† .. .. .. | With Deputy Secretary. |
| 6. Departmental Examinations .. .. | With Deputy Secretary. |
| 7. Arms Act .. .. .. .. | With Deputy Secretary. |
| 8. Foreigners .. .. .. .. | With Deputy Secretary. |

*Except cases affecting the political situation, which are with Chief Secretary.

†Except Criminal Investigation department, Press Act and sedition cases, which are with Chief Secretary.

FINANCE SECRETARY—

*Finance Secretary.*

*Three Assistant Secretaries.*

1. Audit and Expenditure.
2. Budget and Accounts, and Excise.
3. Debt and Deposit, Opium, Income Tax and Stamps.

JUDICIAL SECRETARY AND LEGAL REMEMBRANCER—

*Judicial Secretary.*

*Deputy Secretary.*

*Assistant Secretary.*

1. Legislative department and Legal Remembrancing. — With Secretary.
2. Judicial department (including Registration.
3. Jails (including postings of Jail officers) .. } With Deputy Secretary.
4. Cantonment Magistrates (including postings)

INDUSTRIES SECRETARY—

*Industries Secretary.*

*Deputy Secretary.*

*Assistant Secretary.*

1. Forests .. .. .. .. .. } With Secretary.
2. Industries .. .. .. .. ..
3. Agriculture .. .. .. ..
4. Gardens .. .. .. ..

5. Civil Veterinary department .. .. } With Deputy Secretary.
6. Co-operative Societies .. .. .. ..
7. Government Press .. .. .. ..
8. Stationery .. .. .. ..

EDUCATIONAL SECRETARY—

*Educational Secretary.*

*Under Secretary.*

*Assistant Secretary.*

1. Educational department.
2. Miscellaneous department.
3. Ecclesiastical department.

REVENUE SECRETARY—

*Revenue Secretary.*

*Under Secretary.*

*Assistant Secretary.*

1. Revenue department.
2. Medical department (with Public Health and Sanitation including postings of Civil Surgeons and Sanitary officers).
3. Local Self Government department.
4. Municipal department.
5. Nazul department.

*Distribution of work in the Secretariat in 1923.*

| Branch. | Subjects. | Superior staff. |
|---|---|---|
| 1. General .. .. | Appointment .. .. | Chief Secretary, Deputy Secretary. |
| | General .. .. .. | |
| | Political .. .. | |
| | Police .. .. .. | |
| 2. Revenue and Judicial .. | Revenue .. .. | Secretary. Deputy Secretary. |
| | Scarcity .. .. | |
| | Forest .. .. | |
| | Ecclesiastical .. .. | |
| | Judicial .. .. | |
| | Jails .. .. .. | |
| | Legislative .. .. | |
| | Government Press .. | |
| 3. Education and Industries | Education .. .. | Secretary. Deputy Secretary. *Ex officio* Deputy Secretary (Director of Pubic Instruction). |
| | Industries .. .. | |
| | Agriculture .. .. | |
| | Civil Veterinary department | |
| | Co-operative Societies .. | |
| 4. Local Self Government and Public Health. | Local Self-Government .. | Secretary. Under Secretary. |
| | Medical .. .. .. | |
| | Public Health .. .. | |
| | Lunatic Asylums .. .. | |
| | Registration .. .. | |
| | Nazul .. .. .. | |
| 5 Finance .. .. | Finance .. .. .. | Secretary. Deputy Secretary. |
| | Opium .. .. .. | |
| | Excise .. .. .. | |
| | Income-tax .. .. | |
| | Customs .. .. .. | |
| | Salt .. .. .. | |
| | Stamps .. .. .. | |
| 6. Executive .. .. | Secretariat accounts .. | Assistant Secretaray. |
| | Library .. .. .. | |
| | Record room .. .. | |
| | Issue Section .. .. | |
| | General executive duties .. | |

APPENDIX II.—(SEE PAGE 135.)

*Government Legislation, 1921—23.*

1921.

Act I .. *The United Provinces Deputy President's Salary Act:* fixing the salary of the Deputy President at R. 5,000 per annum.

Act II .. *Intermediate Education Act,* 1921 : making the intermediate stage of collegiate education part of high school education. and placing high schools and intermediate colleges under a special Board.

Act III .. *Allahabad University Act:* reorganising the Allahabad University as a unitary teaching and residential university.

Act IV .. *Oudh Rent Amendment Act,* 1921 : making important changes in the Oudh Rent Act of 1886, with the object of ensuring a reasonable fixity of tenure to the tenant.

Act V .. *United Provinces Land Revenue (Amendment) Act,* 1921 : consequent on the last Act.

1922.

Act I .. *United Provinces Aerial Ropeways Act:* to facilitate the construction of aerial ropeways as a means of transport.

Act II .. *United Provinces Land Revenue Patwaris Amendment Act,* 1922 : enabling patwari to be transferred.

Act III .. *Bundelkhand Encumbered Estates (Amendment) Act:* enabling a proprietor's disability to be terminated in certain circumstances.

Act IV .. *United Provinces District Boards (Amendment) Act,* 1922 : postponing elections till the new District Boards Bill had been passed.

Act V .. *United Provinces Medical (Amendment) Act,* 1922 : enabling the University of Lucknow to elect members to the United Provinces Medical Council.

Act VI .. *United Provinces Municipalities (Tolls Limits Amendment Act,* 1922 : providing for the determination of toll limits for municipalities.

Act VII .. *The Canning College Act:* merging the Canning College in the University of Lucknow and transferring its property and liabilities to the University.

Act VIII .. *Allahabad University (Amendment) Act,* 1922 : purely formal.

Act X .. *The District Boards Act* reorganising the constitution of District Boards.

Act XII .. *United Provinces Board of Revenue Act:* depriving the Board of Revenue of its executive functions.

1923.

| | | |
|---|---|---|
| Act I | .. | *The Oudh Rent (Amendment) Act*, 1923 : removing certain difficulties resulting from the legislation of 1921. |
| Act II | .. | *United Provinces Excise (Amendment) Act :* giving statutory authority to licensing boards and raising the age limit for sale of liquor. |
| Act III | .. | *United Provinces Court Fees (Amendment) Act*, 1923 : a financial measure. |
| Act IV | .. | *United Provinces Land Revenue (Amendment) Act*, 1923 : dealing with difficulties created by a decision of the Board of Revenue with regard to the definition of *sir*. |
| Act V | .. | *United Provinces Stamp (Amendment) Act :* a financial measure. |
| Act VI | .. | *United Provinces Motor Vehicles Taxation Act :* a financial measure. |

## APPENDIX III.—(SEE PAGE 138).

*List of resolutions involving increased expenditure in calendar years 1921 and 1922.*

| | |
|---|---|
| Abolition of coolie *utar* in Kumaun .. .. | Recurring cost 1¼ lakhs. Accepted. |
| Creation of a civil medical service .. .. | Withdrawn. |
| Establishment of a Chief Court in Oudh .. | Accepted. |
| Revision of pay of patwaris .. .. .. | 34¼ lakhs. Withdrawn. |
| Provision of benches for the exclusive use of litigants in courts. | Rs. 55, 000. Withdrawn. |
| Establishment of more travelling dispensaries .. | 14 lakhs. Accepted after an amendment which deprived it of its force. |
| Freeing of a railway bridge from passenger toll .. | About 2¼ lakhs. Rejected. |
| Establishment of Ayurvedic and Unani dispensaries | Rs. 60,000. Withdrawn. |
| Increase in the number of agricultural and industrial schools. | Withdrawn. |
| Provision of roadways on two railway bridges .. | 50 lakhs. Negatived. |
| Separation of executive and judicial functions .. | 8 lakhs. Accepted. |
| Provision of pensions for copyists .. .. | Withdrawn. |
| Maintenance of seed stores by Government .. | 50 lakhs. Rejected. |
| Opening of a provincial commercial museum .. | Withdrawn. |
| Provision of well-boring apparatus .. .. | Adopted after amendment. |
| Religious instruction in jails .. .. .. | Talked out. |
| Improvement of sugar cultivation .. .. | Withdrawn. |
| Improvement of prospects and grades of sub-assistant surgeons. | Withdrawn. |
| Introduction of time-scale for subordinate educational service. | Negatived. |
| Reward of distinguished services .. .. | Negatived. |
| Allowance for transport coneveyance to judicial officers. | Negatived. |
| Provision of hospitals for women .. .. | Withdrawn. |
| Improved treatment of political prisoners .. | Withdrawn. |
| Opening of salt shops by Government .. .. | Withdrawn. |
| Printing of Council proceedings in the vernaculars | Withdrawn. |
| Holding of Council meetings in Naini Tal .. | Accepted. |
| Provincialisation of deputy inspectors of schools and time scale for sub-deputy inspectors. | Former part rejected; latter part accepted. |

## APPENDIX IV.—(SEE PAGE 138).

*Statement referred to in the answer to starred question No. 1 of the 14th December, 1922, showing the action taken by Government on resolutions adopted by the Legislative Council during 1921 and 1922.*

| | 1921. | |
|---|---|---|
| 15th February, 1921 .. | Exemption of M. L. C.'s from Arms Act. | Proceedings forwarded to the Government of India. |
| 16th February, 1921 .. | Reversion to old rates of irrigation .. | Old rates restored in respect of gram. |
| Ditto .. | Abolition of existing age-limit for Matriculation and S. L. C. examinations. | Age-limit abolished. |
| Ditto .. | Stoppage of Burma meat trade .. | Municipal and district boards have been asked to make rules to facilitate collection of statistics and question will be considered after one year's experience. |
| 2nd March, 1921 .. .. | Location of Surbordinate Judge's Court at Fatehpur. | Government is ready to locate the court at Fatehpur as soon as funds can be provided. |
| Ditto .. | Provision of more dispensaries .. | Resolution communicated to district boards but expansion prevented by lack of funds. |
| 5th March, 1921 .. .. | Extension of *Id* holiday .. | Orders issued. |
| Ditto .. .. | Abolition of coolie *utar* in Kumaun .. | Abolished. |
| 31st March, 1921 .. | Extension of Muhammadan holidays | District officers instructed to give extra days to Muhammadan clerks. |
| 1st April, 1921 .. .. | Dates of Council sessions .. .. | Dates adhered to as far as possible. |
| Ditto .. .. | Competitive examination for Deputy Collectors. | System of competitive examination introduced. |
| 5th April, 1921 .. .. | Removal of disability for appointment in Government service of persons who have passed the Intermediate and Matriculation examinations. | Disability removed. |
| Ditto .. .. | Revision of certain rules relating to secondary schools. | Director of Public Instruction instructed to take necessary action. |
| 6th April, 1921 .. .. | Protest against increased pay of Indian Medical Services. | Proceedings forwarded to the Government of India. |
| Ditto .. .. | Patwaris to be liable to transfer .. | Land Revenue (Patwaris Amendment) Act passed. |
| Ditto .. .. | Separation of Judicial and Executive functions. | Committee appointed and report under consideration. |
| 29th July, 1921 .. .. | Accommodation of M. L. C.'s in Lucknow. | Imperial Hotel acquired. |
| 30th July, 1921 .. .. | Withdrawal of Seditious Meetings Act. | Act withdrawn. |
| 8th August, 1921 .. | Religious instruction in Government aided schools. | Educational Code amended to allow instruction to be imparted without compulsion. |
| 9th August, 1921 .. | Indian managers for the Court of Wards. | Sent to Board of Revenue for necessary action. |
| Ditto .. .. | Provision of well-boring apparatus in each district. | Thirty-six districts now supplied. Further supply checked by financial stringency. |
| 24t October, 1921 .. | Appointment of standing committee on Publicity. | Committee appointed. |
| 2nd December, 1921 .. | Reduction of United Provinces contribution to the Government of India. | Matter referred to the Government of India. |
| 5th December, 1921 .. | Procedure of hearing of income-tax appeals. | Instructions issued to income-tax Commissioner in terms of recommendation with slight modification. |
| 6th December, 1921 .. | Mail train service of Bengal and North-Western Railway. | Train service accelerated. |
| Ditto .. .. | Exercise of the prerogative of mercy in respect of Fyzabad and Rae Bareli rioters. | Cases of all prisoners have been considered and 36 released. |
| Ditto .. | Training of probationers for the Indian Forest Service. | Recommended to the Government of India. |
| 7th December, 1921 .. | Abolition of Superintending Engineers | Under consideration in connection with the report of the Public Works Department Committee. |
| Ditto .. | Supply to informant of copy of report of non-cognizable offences. | New form adopted for the purpose. |

| | | |
|---|---|---|
| | *1922.* | |
| 23rd January, 1922 .. | Criminal Law Amendment Act .. | Act withdrawn. |
| 26th January, 1922 .. | Cancellation of recent increase in charges for partition. | Cannot be carried out for financial reasons. |
| 3rd March, 1922 .. .. | Dacoities in Bijnor, Moradabad and Naini Tal. | Special police measures have been taken. |
| 30th March, 1922.. .. | Training centre for *dais* .. .. | Lady Chelmsford's Child Welfare League has been asked to work out a scheme. |
| Ditto .. .. | Establishment of an industrial school at Fatehpur. | Impossible for financial reasons. |
| 31st March, 1922 .. | July Council session to be held in Naini Tal instead of in Lucknow. | Action not taken because no accommodation. |
| 24th October, 1922 .. | Appointment of a committee to inquire into alleged terrorism in Basti. | Government has declined to appoint a committee considering that it will serve no useful purpose. |
| Ditto .. .. | Forest Administration in Kumaon .. | Instructions issued. |
| 25th October, 1922 .. | Withdrawal of Criminal Law Amendment Act. | Act withdrawn. |
| 26th October, 1922 .. | Time-scale for sub-deputy inspectors of schools. | Being considered in connection with schedules. |
| Ditto .. .. | General amnesty for political prisoners | Political prisoners released. |
| 27th October, 1922 .. | Non-official visitors for district and central jails. | Orders issued. |
| 12th December, 1922 .. | Effect to be given to the recommendations of the Rasad and Begar Committee. | No action possible this year, but will be considered before next touring season. |
| 13th December, 1922 .. | Extension of term of settlements .. | Under consideration. |
| Ditto .. .. | Retrenchment Committee .. .. | Committee to be appointed. |
| Ditto .. .. | Educational test for honorary magistrates and honorary assistant collectors. | Under consideration. |
| 14th December, 1922 .. | Cancellation of restrictions on arms .. | Ditto. |
| Ditto .. .. | Formation of standing committees .. | Ditto. |
| Ditto .. .. | Schools of indigenous medicine .. | Ditto. |
| 15th December, 1922 .. | Order passed by Deputy Commissioner of Naini Tal regarding Tahsildar of Kaladhungi. | Entry from Tahsildar's character roll erased. |

*Statement showing action taken on resolutions withdrawn on an assurance from Government from January 1921 to November 1922, referred to in the answer to starred question No. 1 of the 14th December, 1922.*

| Date. | Subject of resolution. | Action taken. |
|---|---|---|
| 15th February, 1921 .. | Abolition of the Board of Revenue .. | Executive functions transferred by Board of Revenue Act. |
| 18th February, 1921 .. | Creation of the Civil Medical Service in the United Provinces. | Matter still under reference to the Government of India. |
| 21st February, 1921 .. | Provision of benches in courts for litigants. | Necessary funds could not be provided. |
| 23rd February, 1921 .. | Establishment of Ayurvedic and Unani dispensaries. | Rupees 20,000 distributed in 1921 to assist such dispensaries and Rs. 30,000 provided in 1922 for this purpose. |
| 2nd March, 1921 .. .. | Shortage of cattle .. .. .. | Provincial Breeding Committee appointed. |
| 4th March, 1921 .. .. | Presentation of appeals to the Board of Revenue. | Rules amended. |
| Ditto .. .. | Stoppage of professional begging in public streets. | Attention of municipal boards drawn to the matter. |
| Ditto .. .. | Trial of cases at headquarters .. | Additional staff could not be provided for financial reasons, but instructions issued that all possible cases should be tried at headquarters. |
| 12th March, 1921.. .. | Migration of Government to hills .. | Certain restrictions carried out. |
| 31st March, 1921 .. | Kshattriyas in Judicial service .. | Proceedings brought to the notice of the High Court and Judicial Commissioner. |
| 1st April, 1921 .. .. | Acquisition of land in Gorakhpur by Forest department. | Proposal for compulsory acquisition has been dropped. |
| 4th April, 1921 .. .. | Extension of Jury system .. .. | Committee appointed. |
| 5th April, 1921 .. .. | Revision of Educational Code .. | Committee appointed to revise the Code. |
| Ditto .. .. | Appointment of non-official secretaries by District Boards. | No district boards have yet asked for non-official secretaries. |
| Ditto .. .. | Revision of the Court of Wards Act .. | Correspondence proceeding with the Government of India. |
| Ditto .. .. | Protection of the hill tracts of the Mirzapur district from famine. | Information not available: will be communicated later to honourable member if so desired. |
| 29th July, 1921 .. .. | Bribery among Government servants | Instructions issued that all cases of alleged corruption should be thoroughly investigated and exemplary punishment given where corruption proved. |
| Ditto .. .. | Improvement of copying establishment in Collectors' offices. | Piece-work system has been introduced. |
| 30th July, 1921 .. .. | Recruitment of Indian Police Force .. | Proceedings sent to Government of India. |
| 8th August, 1921 .. | Provincial Commercial Museum at Cawnpore. | Action could not be taken for financial reasons. |
| Ditto .. .. | Vacation of civil courts .. .. | Vacation altered to May and June. |
| Ditto .. .. | Industrial School at Mirzapur .. | No action possible for financial reasons. |
| Ditto .. .. | Rate on canal water used for paleo .. | New rules issued. |
| Ditto .. .. | Kiari Rules of the Irrigation department. | Question under consideration. |
| 1st December, 1921 .. | Octroi in Fatehpur municipality .. | Octroi introduced. |
| 2nd December, 1921 .. | Improvement of sugar cultivation .. | Question of distribution of canal water considered by joint committee of Boards of Irrigation and Agriculture and reports submitted to Development Board; Engineering section being strengthened as far as funds permit. |
| Ditto .. .. | Establishment of Standing Advisory Committee on Excise. | Licensing Boards and Standing Advisory Committees established. |
| 6th December, 1921 .. | Teaching of midwifery and gynæcology at King George's Medical College. | Resolution forwarded to University who are carrying out most of the proposals. |
| 6th December, 1921 .. | Prospects and grades of Sub-Assistant Surgeons. | Rate of pay raised from 1st April, 1922. |
| 7th December, 1 .. | Introduction of time-scale for subordinate educational service. | No action possible for financial reasons |
| Ditto .. .. | Disagreement between District Judge of Hardoi and the local Bar. | Amicably settled. |
| 26th Januar , 1922 .. | House-holders in Rae Bareli to be exempted from payment of ground tax. | Committee of inquiry appointed and report under consideration. |
| Ditto .. .. | Review of convictions under the Criminal Law Amendment Act. | Cases reviewed by Mr. Lyle. |
| 31st January, 1922 .. | Revision of Fatehpur settlement .. | Copy of Commissioner's report sent to mover for information. |
| Ditto .. .. | Policy of Government revenue settlements. | Under consideration by the Settlement Committee. |

| Date. | Subject of resolution. | Action taken. |
|---|---|---|
| 1st March, 1922 .. | Introduction of permanent or long-term settlement. | Under consideration by the settlement Committee. |
| 2nd March, 1922 .. .. | Appointment of advisory boards for hospitals. | Visiting boards appointed at Agra and Cawnpore, and the resolution brought to the notice of various district boards. |
| Ditto .. .. | Treatment of political prisoners .. | Instructions issued to District Magistrates to consult M. L. C.'s about classification. |
| 30th March, 1922 .. | Opening of more salt shops .. .. | Under consideration. |
| 31st March, 1922 .. | Permanent Judge at Fatehpur .. | Awaiting funds. |
| Ditto .. | Abolition of Commissioners .. | Committee appointed. |
| Ditto .. .. | Alteration of date for payment of land revenue. | Commissioner reported that there is no desire on the part of revenue paying public for any alteration. |
| 26th October 1922 .. | Advisory Committees for Collectors .. | Under consideration. |

PUNJAB.

## NOTE ON THE WORKING OF THE REFORMS.

### A.—THE EXECUTIVE GOVERNMENT.

(i) *The allocation of funds to reserved and transferred subjects—*

In the practice of this Government a distinction has been created, not so much between reserved and transferred subjects, as between the beneficent departments of Government (namely the departments of Education, Medicine, Public Health, Agriculture, Industries and Miscellaneous Scientific Departments) and the other departments which are either revenue-producing or deal with the necessary machinery of Government. The results have however been much the same as if the distinction had been between reserved and transferred subjects, and although there has always been shortness of funds and Ministers have from the beginning been unable to obtain money for several schemes of importance there was little difficulty regarding the allocation of money between the reserved and transferred departments until the session of the last budget (that of 1923-24) when money was very scarce. The allocation was after several conferences settled by the Members and Ministers themselves without reference to the Governor. It was found necessary subsequently to effect a substantial reduction in all departments including the allotment for police, a step which caused some subsequent difficulty. A substantial part of the transaction was the allotment of the transferred provision between the Ministers concerned, but this was ultimately effected by mutual accommodation.

2. One Additional Secretary was appointed for the Transferred Departments in connection with the Reforms. At a later stage one Secretary was, as a measure of retrenchment, reduced and the Financial Commissioners were made Secretaries to Government so that their work should come direct to Members and Ministers.

The increased cost of the Reforms generally may be put at about 5½ lakhs, but the main consideration affecting the financial position since the Reforms has been that while the increase in revenue was anticipated at 113 lakhs (which has not been realised) this has been swallowed up by the increased cost of establishments owing to rise of salaries.

(iii) *Co-operation between the Executive Government and the Legislature with special reference to permanent or Special Committees of the latter and the action taken in pursuance of their recommendations ; and the use of Council Secretaries—*

3. In addition to the statutory Standing Committee on Public Accounts a number of standing committees have been constituted for advisory purposes each having a majority of non-official members elected by the Legislative Council. There are Standing Committees on Land Revenue, Canals, Education, Public Health, Local Self-Government, Agriculture, Industries, Co-operative Societies, Excise, Police and Jails. The most important and influential committee is that on Finance. In addition to its advisory functions the power has been expressly delegated to it by the Council of reappropriation between grants when the service contemplated is that for which money was voted by the Council, but it is desired to bring it to account under another head. It can also sanction grants or advances from the Civil Contingencies Fund. All proposals for new expenditure are put before the Finance Committee for advice and the Finance Department does not exercise its power of reappropriation so as to authorize recurring expenditure in excess of a certain figure without reference to the Standing

Finance Committee. The Committee has been of use in placing non-official views before the Government in advance of discussions in Council. The Committee holds a large number of meetings, sometimes as many as five, immediately before the budget session ; and meets ordinarily about once a month for other business during the cold weather, and twice during the Simla season. It has also had a joint session with the Standing Canals Committee to consider the question of enhancing the water rate as a means of restoring equilibrium in the budget and it has also met to consider the general question of ways and means to increase the provincial revenues.

The proceedings of this and of other committees are informal and confidential. The final decisions on each question are in the case of most of the committees recorded and published. The main benefit of the deliberations of the Standing Finance Committee has lain in the education of its members to a sense of financial proportion and consequently a reduction in ill-informed criticism in the Council.

4. Special Committees of the Legislative Council, which include a majority of non-officials nominated by Government, have been occasionally appointed on the recommendation of the House to make proposals on particular subjects. Such committees have already reported on the award of compensation to martial law sufferers ; on the principles to be followed in the assessment of land revenue ; on retrenchment in public expenditure ; on the principles regulating the appointment of Honorary Magistrates ; on the separation of the judicial and executive functions ; on milk and ghee, and on the educational needs of Zamindars. The proposals of the Committee on compensation to martial law sufferers were accepted *in toto* and so were the more important proposals of the committee on the appointment of Honorary Magistrates. The reports of the committees on retrenchment, land revenue, and the separation of judicial and executive functions, are still under the examination of Government.

5. Four Council Secretaries were appointed at an early stage in the Reforms on small remuneration of Rs. 2,000 per annum each. The appointments were brought under reduction as a measure of retrenchment with the consent of the Legislative Council with effect from the beginning of the current financial year.

(iv) *The Reforms and Local Self-Government—*

6. The Government of India had in 1918 laid down the principles of a substantial reform in Local Self-Government, and the subject had already to some extent been dealt with by the Local Government, before the introduction of the Reforms. On the introduction of the Reforms, the Department of Local Self-Government became a Transferred Department under the control of the Minister for Education, and the subsequent two years have been years of great activity in the department. The following Acts were passed :—

(*a*) The Punjab Municipal (Amendment) Act :

(*b*) The Punjab District Boards (Amendment) Act ;

(*c*) The Small Towns Act ;

(*d*) The Village Panchayats Act ;

(*e*) The Town Improvements Act.

The most important feature of (*a*) and (*b*) was the inclusion of an oath of allegiance to be taken by all members, elected or nominated, of

Municipalities and District Boards on the assumption of office. These two Acts also considerably increased the powers and independence of the Boards.

The other three Acts have not yet come into practical force. Their object may be described as to disseminate a democratic and self-reliant spirit, and to set up a better organization for purposes of sanitation and public health.

7. The second important feature of the past three years has been a general reconstitution of every District Board and every Municipality in the province in the direction of democratization. The elective system has been or is about to be, introduced in all such bodies where it did not previously exist and the official element on them is being generally restricted. One feature of this reorganization has been a general lowering of the franchise for District Boards, which has now been made uniform as far as possible all over the province.

8. The feature that has attracted most popular attention and caused local excitement has, however, been the re-organization of local bodies, more especially Municipal Committees, so as to secure the redistribution of elected seats between communities on the basis of the mean ratio between their relative population and their relative voting strength. In some cases the distribution thus reached has been applied by means of a system of communal electorates, and in other cases by following methods of re-arranging wards. The distribution has been carried out with regard to the relative ratio of population and voting strength, but it has caused resentment among the Hindus and also among the Sikhs, the communities which before the re-organization were in nearly all cases enjoying a representation in excess of that justified on the basis of population and voting strength. Communal electorates, as such, have not been introduced in District Boards. As regards Municipalities the Ministry inherited a system under which communal electorates already existed in certain Municipalities, and it has extended the system of communal electorates to eleven other Municipalities. What the Ministry has done is to redistribute the elected seats on the basis explained above ; but as in almost all cases this redistribution has involved an increase of Muslim seats at the expense of the other communities, it has led to agitation from the non-Muslims.

9. The movement towards the democratization of the local bodies has undoubtedly been accelerated by the introduction of the Reforms. For instance the principle of no taxation without representation has been given practical effect by the conferment of the franchise for District Boards on persons paying a professional tax. Tahsildars are no longer *ex-officio* members of District Boards ; the nominated element on all local bodies has been substantially reduced ; and Municipalities have been encouraged to elect non-official Presidents and Vice-Presidents.

*The Executive Council and Ministers—*

10. The theoretical distinction between reserved and transferred subjects has had little practical effect on the administration of Government. The recommendation of the Joint Select Committee that joint deliberation between Members and Ministers should be fostered has been adopted. When a question arises affecting more than one subject it is as likely as not that one of the subjects will be transferred and the other reserved, so that consultation between the particular Minister and the Particular Member affected becomes necessary, or consultation between Members and Ministers

as a whole. It has been found practicable to keep reserved and transferred subjects entirely apart and to discuss the former in Executive Council only as contemplated by the original scheme of dyarchy. Joint deliberation between Members and Ministers was more frequent at the start. As time went on, and the general policy on important subjects became more fixed, these deliberations, whether for the above or for other reasons, became somewhat more infrequent, but are still fairly frequently practised. As things stand, no such thing as a ' Government Policy ' or a ' Ministerial Policy ' has as a rule been adopted, especially in transferred subjects, which are subject to the policy of the Minister concerned.

## B.—LEGISLATURE.

(i) *Government Legislation—*

11. Seventeen Government Bills have been introduced in the reformed Council since its inauguration. A list of these is as follows :—

(1) Deputy President's Salary Act, 1921 ;

(2) The Punjab Municipal (Amendment) Act, 1921 ;

(3) The Punjab Small Towns Act, 1921 ;

(4) The Punjab Village Panchayat Act, 1921 ;

(5) The Punjab Town Improvement Act, 1922 ;

(6) The Simla House and Rent Act, 1922 ;

(7) The Punjab Acquisition of Land (Industrial) Bill ;

(8) The Punjab (Urban Property) Rent Regulation Bill ;

(9) The Sikh Gurdwaras and Shrines Act, 1922 ;

(10) The Court Fees (Punjab Amendment) Act, 1922 ;

(11) The Indian Stamp (Punjab Amendment) Act, 1922 ;

(12) The Punjab Courts (Amendment) Act, 1922 ;

(13) The Punjab Village Panchayat (Amendment) Act, 1922 ;

(14) The Punjab District Boards (Amendment) Act, 1922 ;

(15) The Punjab Industrial Loans Act, 1923 ;

(16) The Punjab Municipal (Amendment) Act, 1923 ;

(17) The Punjab Fisheries (Amendment) Bill.

12. Of these all except Nos. 7, 8 and 17 have been passed into law. No. 7 was a Bill intended to facilitate the acquisition of agricultural land for industrial purposes as recommended by the Industrial Commission and although in itself a harmless measure was strongly opposed by the preponderating landholder interest in the Council on the ground that it trenched on the privileges, as secured by the Land Alienation Act, of the landholder class. The Bill was in charge of the Minister for Agriculture, and was so emasculated in the course of its passage in the Council that it will probably be withdrawn.

No. 8, the Punjab (Urban Property) Rent Regulation Bill, was another measure in charge of the same Minister. It was designed to set up machinery under official control for restricting the excessive enhancement of rents in certain of the larger towns in the province. The measure was one in which the rural members had little interest, but they had been canvassed regarding it on the ground that the measure was only the thin end of the

wedge to be followed by similar measures controlling the rents payable to the landlords of agricultural tenants. The urban members, among whom the landlord element is strong, succeeded in inducing the House to refuse permission for the introduction of the Bill.

No. 17, the Punjab Fisheries (Amendment) Bill is still pending. It is not a measure of any importance.

Of the 14 Acts that have been passed no less than seven deal with matters of Local Self-Government. Nos. 10 and 11, the Court Fees (Punjab Amendment) Act, 1922, and the Indian Stamp (Punjab Amendment) Act, 1922, were taxation Bills, and both met with a certain amount of opposition in the Council, but both were ultimately passed without much difficulty.

The general attitude taken by the Council towards government measures was sympathetic and satisfactory, and even in measures involving additional taxation readiness to cooperate up to a certain extent was discernible.

13. There were no legislative measures dealing with law and order or public security, and the only measure which can be described as dealing with improvements in the administration is the Punjab Courts (Amendment) Act of 1922, which made certain formal changes in the original Act necessitated by the separation of the judicial from the executive side of the Punjab Civil Service. The Act was passed without difficulty, though it was made the subject of a personal attack by certain Muslim members on the High Court, in which Hindu interests are supposed to preponderate.

The Sikhs Gurdwaras and Shrines Act of 1922 is the only measure which can be described as involving in any way communal considerations. The somewhat intricate history of this measure, which has never actually been brought into effect, is well known to the Government of India, and need not be recapitulated here.

(ii) *Private Bills*—

14. Only one private Bill has been introduced in the reformed Council. This was a measure for which a certain Mussalman lawyer was responsible. The Bill repealed the Punjab Loans Limitation Act of 1904 and reduced the period of limitation in the case of suits for the recovery of loans from six to three years. The Bill met with the general approval of the landed interests, for whose benefit it was framed, and, though opposed by certain Hindu members, it was easily passed. The attitude of Government was neutral.

(*iii*) *Financial business*—

15. The Council has adopted an attitude of very strict scrutiny of proposals for expenditure, which has taken the form of a much more detailed examination of the budget than is consistent either with the real functions of the Council or with scientific financial control. At the last budget session over 2,000 amendments were tabled and much time was occupied in debating reductions of a few hundred rupees. The result was that at the end of the Council many of the grants had to be passed without discussion. It is noticeable that the Council were a good deal affected by their preconceived conception of the nature of departments for which demand was made. It was difficult, for instance, to get money for the Forest or the Police Departments, while the demands for Education were passed without question. The Minister for Agriculture was disappointed with the support accorded to expenditure for his departments and it is possible that, as he suggests, the ' power of patronage ' had something to do with this aspect of the matter.

16. The Council has been reluctant to impose new taxation. This is partly due a very strong feeling that the Punjab has been over-assessed in the matter of its provincial contribution, and that it is to a reduction in this that the Province should in the first instance turn for improvement of the financial situation. It is also partly due to an impression that the administration of the Province is being conducted in an extravagant manner, and that by some method of retrenchment expenditure could be reduced. It is possible that this impression is tending to pass away in the light of the experience of the difficulties of applying retrenchment further than it has already been applied in any definite direction. But the reluctance is mainly due to the impatience of taxation manifested by the constituents of members of the Council. The experience which members themselves have obtained of financial realities has certainly not reached down to their constituents, and it is practically impossible for any member to justify to the electors any increase of taxation. The Council has since the Reforms Scheme only accepted the amendment of the Court Fees and Stamp Acts, bringing in an estimated increase of revenue of about 26 lakhs per annum. A remarkable instance of its feelings is to be found in the fact that after the Council had been made aware that the provincial finances showed a constant deficit, it negatived a Government motion to appoint a Committee of ways and means to examine methods for raising new revenue.

17. When towards the end of the financial year demands have been made for excess grants to cover expenditure over and above what was voted, the Council has shown its disapproval of the expenditure being incurred but has not refused to vote the excess demands. That they did not refuse to do so in the last financial year is, however, probably due to the fact that Government was able to meet the excess by reappropriation elsewhere. There has not been time for the proceedings of any Accounts Committee to be placed before the Council. The Government has from the first accepted the position that the financial powers of the Council are to be supplemented by certain constitutional principles not explicitly stated in the rules, but borrowed from the practice of the Parliament of the United Kingdom, such as the principle that reappropriation is not to be made towards a new service, and the Council has been content with these powers.

18. Reductions were made in the budget of 1922-23 to the extent of 39 lakhs, and in that of 1923-24 to the extent of 28 lakhs. In no case has any item struck out by the Council hitherto been restored by order of the Governor, but the Council has from time to time been approached for supplementary grants to make good expenditure which it has cut out.

19. Of the proposals emanating from the Council involving increased expenditure the most important are the following :—

(*a*) An increase in the emoluments of village officers. Effect has not been given to this.

(*b*) An increase in the daily allowance of the members of the Legislative Council from Rs. 10 to Rs. 15. Action has been taken in accordance with the resolution.

(*c*) An increase in the emoluments of subordinate medical officers. Action has not been taken.

(*d*) An increase in the pay of chaprasis. Action has been taken.

(*e*) A survey with a view to the construction of a new canal. Action is under consideration.

20. But the most important items of expenditure due to the vote of the Council were in regard to (*i*) the indemnity of 20 lakhs levied on the city of Amritsar for damage done in the riots of April 1919 and (*ii*) compensation amounting to Rs. 22½ lakhs awarded by a committee to the sufferers at Jallianwala Bagh and elsewhere. In pursuance of resolutions of the Council these sums were included by Government in the estimates as chargeable to Provincial revenues, and passed.

21. In spite of the defects in the working of the machine which have been above described, it may be said that the general effect of the Reforms on finance has been healthy. This is only in part due to the introduction of external criticism, although this has not been without its healthy effect. The most important change in Provincial finance caused by the Reforms has been its decentralisation from the finance of the Government of India. This has carried with it the necessity for more detailed control, and for regarding the finance of the Province both on the revenue and expenditure side as a whole.

The present financial deficit, though it has doubtless been intensified by certain large items of expenditure passed by the Council, has its main origin in items of expenditure and financial arrangements determined on before the introduction of the Reforms, including the large increase necessitated in the pay of establishments.

(iv) *Resolutions and questions.*—

22. Copies of four notifications* by Government which contain a list of all resolutions *passed* by the Council and of the action taken by Government thereon are appended to this note. It will be observed from these lists that the majority of the resolutions deal with subjects of local or communal interest, and few of them raised any important question affecting law and order or the public security. In the majority of cases Government was able to comply with the expressed wish of the Council. In March, 1921, a resolution for the release of all martial law prisoners was defeated by a small majority and in the same session a resolution for the removal of the application of the Seditious Meetings Act to certain districts was easily defeated. On the other hand, in March 1923, practically all non-official members voted for the unconditional release of the Akalis imprisoned in connection with the Guru-ka-Bagh incident.

* No. 25851 of 22nd October 1921. No. 5432 of 17th February 1922. No. 6574 of 26th February 1923. No. 18768 of 11th July 1923.

23. Hitherto 2,472 questions have been put and answered in the Council. The majority refer to matters of local or communal interest, and an oral answer is seldom demanded. Very little ingenuity has been shown by non-official members in framing either their original or supplementary questions, but the task of framing replies to such a large number of questions has added greatly to the work of the Headquarters establishment of Government. A very substantial part of the questions relate to the respective claims of Hindus, Sikhs and Muhammadans to places under Government or local bodies.

(v) *Miscellaneous.*—

24. Only on three occasions have attempts been made to move the adjournment of the Council. On the first of these a Sikh Member moved the adjournment in connection with the tragedy at Nankana Sahib in February 1921, but received no support, and consequently no discussion took place. A similar motion, in connection with the alleged unlawful

conduct of certain Akalis was to be moved on the 10th of March 1921, but failed to receive any support and was withdrawn. In January 1922 a Muhammadan member moved the adjournment of the Council to consider the situation arising out of the action of Government in applying the Criminal Law Amendment Act and the Seditious Meetings Act to the Punjab, and a discussion took place but the motion was talked out.

25. No substantial amendment of the Standing Orders has been made. The most important change effected was the amendment of the rule so as to regularise the practice of members addressing the Council in Urdu.

No use has hitherto been made of Section 72 A (2) proviso (*b*) for the purpose of appointing experts.

C.—GENERAL QUESTIONS.

(a) *The extent to which the Councils represent and react on current public opinion.—*

26. The Punjab Council is by no means an extremist body. In fact it may be said that it represents the more moderate current of public opinion in the Province as a whole. It is definitely loyal, *e.g.*, in its attitude towards such matters as the visit of His Royal Highness the Prince of Wales to the Punjab, and in its attitude to the person of His Excellency the Governor. Racial questions have usually been approached by the Legislative Council in a friendly spirit, though few occasions for their discussion have arisen. Such opposition as has been manifested, *e.g.*, on the question of the provision for European education, was probably inspired by the idea of placating advanced opinion, especially as expressed in the press, outside the Council. Little or no racial feeling has been shown in the discussion of other matters, as for example the salaries of European officials.

Various sheds of public opinion found expression in the Council Chamber, but the Council was inclined as a rule to favour moderate current public opinion. Opinions approved by the Council are believed to influence rural public opinion. The amount of public interest shown locally in its proceedings is ordinarily small, but on occasions of debates on subjects of communal interest, such as the Sikh Gurdwaras and Shrines Act, and the release of Sikh prisoners, the public galleries have been crowded. The ordinary lack of interest is probably in part due to the fact that the debates are very poorly reported in the public press, such comments as appear in the newspapers being usually confined to that portion of the press whose object is to deprecate the work of what it often calls "the mock Parliament."

At the same time it should not be imagined that the Council does not truly represent the Province as a whole. The Punjab is essentially a province of small landed proprietors, and a large number of the members of the Council are drawn from that class. As a body the Council may be said to be shrewd, cautious, and strongly imbued with the conservative ideas traditionally associated with the farmer class.

(b) *The extent to which and by what means relations have been maintained between members of the Councils and their constituencies.—*

27. Owing to the residential qualification in force for the election of the first Council, the carpet-bagger was entirely excluded from candidature in 1920, and all rural members reside in, and are consequently in close touch with the needs of their constituencies. Rural members

of the Council have been receiving representations and advice from their constituents, and have been representing their claims and their grievances in the form both of questions and of resolutions. Although there have been no political meetings strictly so-called, gatherings of constituents have not been unknown. The urban members are for the most part lawyers, many of whom are also owners of land, with a sprinkling of commercial men and retired officials. Political meetings at which candidates address their constituents are almost unknown, and it may be doubted whether many of the electors who return a candidate appreciate the political powers which they can exercise through their representative in the Council.

(c) *The formation on political lines of groups or parties within the Councils and how far these coincide with or traverse purely communal lines of cleavage—*

28. At the present time the most marked characteristic of the Legislative Council is its division by communities. The representatives of the 64 ordinary urban and rural constituencies are :—32 Muhammadans, 20 Hindus and 12 Sikhs. Of the 7 other electoral constituencies 3 are virtually certain to be represented by Hindus and 2 by Muhammadans. Of the 6 nominated non-officials 2 are Sikhs, 1 is Muhammadan and 3 are Christians. The Muhammadans have thus 35 unofficial members as against 37 Hindus and Sikhs. The Muhammadans in the Council have been organized into a practically solid party, which is on most questions prepared to follow the guidance of the Muhammadan Minister. His policy has been to secure for each community a share, regulated on a systematic basis of representation on local bodies, in the public services and in Government educational institutions, and this policy is regarded by the Hindus as one detrimental to the interests of their own community. The many differences that have thus arisen within the Council Chamber have been accentuated by the growing bitterness of feeling between Hindus and Muhammadans outside the Council, bitterness which has been increased by the recent disorders at Multan, Amritsar, and in other large cities. On almost every question that has recently been discussed in the Council, communal bias has made itself manifest, and extraordinarily intense feeling was aroused last March on the discussion of a motion moved by a prominent Hindu member for the reduction of the salary of the Muhammadan Minister, a motion which was made the occasion of a strong attack on his general policy.

The above represents the condition of parties as it presents itself to this Government as a whole. The Hon'ble Mian Fazl-i-Husain, however, demurs to the above description and writes as follows : " The formation of parties has taken the line of the ' have gots ' and the ' have nots ', with the result that there is a party existing of most of the Muhammadans and some of the land-holding Hindus and Sikhs because these are the communities which have been more or less excluded by the ' have gots ' who had enjoyed the monopoly of public services under the pre-reform administration. But for the communal epidemic, which is a reaction against the Hindu-Muslim unity of 1920 and 1921, there would have been a clear and definite existence of a strong party of ' have nots ' consisting of Muhammadans and Sikhs and most of the Hindus. Religion happens to be only an incident while these parties would be based on political and economic considerations."

29. The division by communities is not, however, the only line of cleavage in the Council. There is also a division into landowners and non-landowners, or, in other words, into rural and urban parties. The

two lines of division do not always coincide, but owing to the prevalence of the landed interest among Muhammadans, it would certainly be difficult for a Muhammadan Minister to carry any proposal which the land-owning class regarded as unfavourable to their interests, and there has been a tendency to identify the Muhammadans with the land-owning classes and to view the Hindus as the representatives of the urban, commercial and trading classes.

30. A word is necessary as regards the Sikh members of the Legislative Council, who number 15. On all questions affecting their community this group of members votes at the dictation of the Shiromani Gurdwara Parbhandak Committee.

(d) *The institution of what may be broadly called conventions of procedure as between the legislature and the Executive Government or the Governor—*

31. There is little to say under this heading. The Governor has on no occasion had to use his powers to disallow a resolution or question, though on one or two occasions it has been found necessary to ask the members who had given notice of resolutions or questions to withdraw them. Such requests have always been met with compliance. The appointment of Standing and Special Committees of the Legislature has already been dealt with. As regards the institution and growth of a parliamentary practice and tradition the first President, Mr. M. S. D. Butler, did much to establish a sound tradition, and the proceedings of the Council are generally conducted in a spirit of friendliness and without undue acrimony. There is certainly a tendency to waste time over details, *e.g.*, in such matters as the budget, etc., but there are signs of improvement in this respect.

(e) *The institution, whether on the part of Government or of parties within the Councils, of any form of party organization, the issue of whips, consultation as to the concerted attitude to be taken on particular measures, appointments or election to committees, the priority to be given to particular items of Council business and so forth—*

32. The only completely solid party in the Council is that of the official members who number 14. The leader of this party is the senior member of the Executive Council, and it is within his discretion to decide when a " whip " is to be issued to the official members requiring them to vote in a particular way.

Apart from the Government bloc the only serious attempt to organise a permanent party in the Council has been that made by the Muhammadans.

(f) *Prominent party leaders, their policies and adherents—*

33. Apart from the Muhammadan Minister, to whom the Muhammadan party look for guidance, there is no member of the Council who can be described as a prominent party leader. There are one or two Hindus who are especially respected, and to some extent followed, but none who is marked out as a leader of the community in the House. The fifteen Sikh members do not owe allegiance to any leader. Speaking in very general terms, it may be said that the policy of the Hindus is to oppose the efforts of the Muhammadans to secure a larger share in official posts, while the Sikh members take little interest in questions that do not directly affect their community. The original constitution of the Council lent itself to communal division. The Minister for Agriculture, and those who thought with him, found it impossible from the start to organize

parties on other than communal lines and accordingly abstained from starting a party. A Hindu party on communal lines would in their opinion have produced a permanent cleavage in the Council.

THE CONSTITUENCIES AND THE PUBLIC.

34. In paragraph 6 of their letter the Government of India made enquiries on certain questions affecting relations of the constituencies and the public to the Council.

(i) *The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye-elections to the total number of voters on the register—*

At the first General Election, held in 1920 the total population of the Punjab (apart from the "excluded" tracts of *Lahul* and Spiti) was 19,534,711,* while the aggregate number of persons registered as electors for the Legislative Council, was 505,361. The percentage of electors to the total population was, therefore, 2.58

*Census figures of 1911.

At the General Election of 1920 there was no contest in 12 constituencies. In the remaining 58 costituencies the elections were contested, and out of 404,371 persons registered as electors 130,152 or 32.2 per cent. recorded their votes.

Since 1920 there have been six contested bye-elections, and the number of persons who actually voted varied from 54 per cent. of the total number of registered electors in the Attock District to 1.6 per cent. in the case of the Sikh urban constituency. Both at the General Election and at the bye-elections the number of voters that went to the poll was larger in the rural than in the urban constituencies. The influence of the non-co-operating party, which was the prevailing element at the time of the General Elections has, of course, been stronger in the cities.

(ii) *The interest evinced by the constituencies and the public in the work of the Councils—*

35. As explained in an earlier paragraph of this note, the interest taken locally by the public in the proceedings of the Council has not been great. The popular imagination in the province at large has, however, to some extent been caught by actions of the Legislature which illustrated their real power over the public purse, such as the abolition of the Publicity Department and interest was shown in the legislation regarding Local Self-Government. The struggle over the communal share of appointments in the public service and the prospects of fresh taxation also attracted considerable attention, as did also the exceptional problems connected with the Council's treatment of the Sikh problem.

(iii) *The extent to which the formation of political groups or parties in the Council is reproduced in or derived from the constituencies—*

36. As already explained there are in the opinion of this Government as a whole no real parties in the Council except (*a*) Hindus and Muhammadans and (b) rural and urban. Every member's "party" is in practice fixed for him by the nature of the constituency which elects him, and his successor's party must inevitably be the same as his own.

(iv) *Electoral organization in the constituencies, political programmes, parties and party funds and machinery—*

37. These refinements of political life exist only to a small extent in the Punjab, where no serious effort has been made to educate the electorate. A man who goes to a rural constituency on a policy which does

not uphold the Land Alienation Act, would ordinarily have little chance of election whatever his personal interest might be, but as a rule contested elections are run on purely personal lines and must continue to be so run until parties based on political principles arise. It is possible that there may be some change in this respect if at the next elections the Swaraj party wins a substantial number of seats in the new Council.

(v) *The influence of the press on politics and public opinion, and the promotion of organs of the press supporting the views of particular groups or parties in the Councils—*

38. The press in the Punjab may be divided into roughly three groups : (*a*) Propagandist and usually *anti*-Government. (*b*) Purely communal organs. (*c*) Newspapers that live by sensation-mongering.

The press of all kinds has considerable influence on the Council, and as in Western countries ' the legislator is afraid of the press and the press is not afraid of the legislator.' Many of the resolutions and questions in the Council are obviously suggested by the press, and the sentiments expressed in the press are often slavishly reproduced in speeches in the Council.

## D.—POLITICAL AGITATION AND PARTIES OUTSIDE THE REFORMS SCHEME.

39. The party of which Mr. C. R. Das is now the leader, recently propounded a new form of constitution evidently based on the Soviet system now in force in Russia. This scheme was very coldly received in the Punjab, and it is improbable that anything more will be heard of Mr. Das's new constitution. At the same time there is every prospect that a number of its adherents will contest seats at the approaching General Election. It does not seem likely that they will be successful in winning more than a moderate number of seats.

*The attitude of the present Council towards the measures taken by Government against non-co-operative and Khilafatist activities—*

40. It is significant that the Council in 1921 rejected a resolution for the release of the martial law prisoners, and in the same year it rejected another resolution which pressed for the removal of the Seditious Meetings Act. In 1922, as already noted, a motion for the adjournment of the House on the ground of the situation arising out of Government application of Seditious Meetings and the Criminal Law Amendment Acts was talked out. Generally speaking it may be said that the present Council is on the side of law and order, and that it would support Government in taking strong action in any real emergency.

Many questions have been asked in the Council regarding the conviction and treatment of political prisoners, but there is little sign that the Council as a whole is deeply interested in these matters.

*Non-co-operative activities in Municipalities and Local Boards—*

41. The spirit of non-co-operation in local bodies is now practically dead. The Lahore Municipality, to which a number of non-co-operators have been elected, a few months ago decided by a considerable majority to ask Government for the services of an Indian Civil Service officer as Secretary. The Amritsar Municipality was unanimously on the side of law and order in the recent communal riots, and asked for an additional force of 200 police to be provided at its own expense.

# GAZETTE NOTIFICATIONS.

## HOME DEPARTMENT,—LEGISLATIVE.

*The 22nd October 1921.*

*No. 25851.*—In accordance with the terms of a Resolution which was tabled by M. Muharram Ali Chisti, M. L. C., but not moved in Council by reason of the pressure of other business, it has been decided by the Punjab Government that the action taken on each Resolution passed by the Council, will be published for general information in the *Punjab Government Gazette.*

The announcement which follows is made in accordance with that decision :—

| Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken. |
|---|---|---|
| (1) " That this Council recommends to His Excellency the Governor in Council that the emoluments of zaildars, sufedposhes, and lambardars, be raised to double the amount which is paid to them now." | Volume I, No. 4, page 177. | (1) The action announced by Sir John Maynard on March 19th, 1921 (Volume I, No. 9, page 492) is being taken. As a first step, statistics are being collected. |
| (2) " That this Council moves the Local Government to take early steps to introduce a Bill overhauling the law relating to charitable and religious endowments in the Province, and pending the presentation and passing of that legislation, it moves the Governor-General to make and promulgate an ordinance on the subject, so that the movement to alter and reform the existing management of such endowments may cease to threaten the peace and good Government of the Province, provided that on the expiry of the Ordinance the jurisdiction of the Civil Courts, or of such Courts as the Bill which it is proposed to introduce may establish, shall not be ousted " | Volume I, No. 8, pages 371-72. | (2) This Resolution was superseded by subsequent proceedings on the Gurdwaras Bill. |
| (3) " That this Council recommends to the Government to be pleased to invite the attention of the local bodies to the need for poor houses at convenient centres for the incapacitated poor, and for free eduction, technical or otherwise, for their children." | Volume I, No. 8, page 388. | (3) The attention of local bodies has been invited to the Resolution, and they have been asked to inform Government of any action taken. |
| (4) " That this Council recommends to the Government to take the necessary steps to get substituted the following rule for rule 14 of the Punjab Legislative Council Rules :—<br><br>" The business of the Council shall be transacted in English, but any member may address the Council in Urdu or in any vernacular of the Province." | Volume I, No. 8, page 392. | (4) Proposals have been made for the alteration of the rule in accordance with the Resolution, and the rule as finally approved by the Secretary of State in Council runs as follows :—<br><br>" The business of the Council shall be transacted in English, but any member may address the Council in Urdu, or, with the permission of the resident, in any vernacular of the Province. |
| (5) " That this Council recommends to the Government to take the necessary steps to modify Article 833, Civil Service Regulations, so as to provide that all medical certificates granted to Government servants by Registered Medical Practitioners, whose names are borne on the Annual Medical List compiled by the Punjab Medical Council shall ordinarily be accepted without the counter-signature of the Officer-in-Chief medical charge of the district. ' | Volume 1 No. 8 page 402. | (5) Orders have issued :—<br><br>(*a*) that all heads of offices are authorised to accept without countersignature certificates granted by Medical Practitioners whose names appear in the Annual Medical List;<br>(*b*) that as a matter of practice, uncountersigned certificates, of such Medical Practioners should ordinarily be accepted by heads of offices unless there are special grounds for not doing so. |

| Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken. |
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| (6) "That this Council recommends to the Government that a Committee which should include three elected members of this Council having knowledge of law, or possessing judicial experience, to be nominated by His Excellency the Governor, be appointed, with power to co-opt one member, who is not on this Council, to propose adequate compensation to the families of those killed and to those injured at the Jallianwala Bagh and other places during the Punjab Disturbances of 1919 on the scale followed in similar cases for Europeans." | Volume I, No. 8, page 435. | (6) A Committee is sitting to formulate proposals for the consideration of Government. |
| (7) "That this Council recommends to the Government to appoint a Committee consisting of a majority of non-officials to go into the detail of the grievances of the zamindars as regards the Canal administration in the Province, and to suggest measures whereby the complaints of the people against the working of the Department may effectively be dealt with." | Volume I, No. 9, page 449. | (7) A Committee having a majority of non-officials has been appointed for the purpose indicated, and has already held one meeting. This Committee will probably be superseded by a Standing Committee of the Council, of which the non-official members will be elected by the Council. |
| (8) "That this Council recommends to the Government that steps be taken, through the medium of a special industrial board, to encourage and promote the manufacture and use of indigenous articles by opening stores and holding regular annual industrial exhibitions and fairs." | Volume I, No. 9, page 474. | (8) This recommendation is still under the consideration of Government. |
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| (10) "That this Council recommends to Government that the principle of local option exercisable by municipalities and district boards, be applied, so far as practicable, to the sale of intoxicating liquors in the Province at an early stage." | Volume I, No. 9, page 490. | (10) This recommendation is still under the consideration of Government. |
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| (15) "That this Council recommends to the Government that lambardars be permitted to send the land revenue and other Government dues by money order at the nearest post office and no money order fees be charged from them." | Volume I, No. 9, page 505. | (15) The matter was referred to the Government of India who carefully considered the recommendation of the Council but were unable to sanction the concession proposed. |
| (16) "That this Council recommends to His Excellency the Governor-in-Council to represent to His Excellency the Governor-General of India in Council the necessity of arranging an All-India Round Table Conference consisting of leading officials and non-officials of the country to which the members of the Executive Council, the Ministers of the Government, selected non-official members of this Council and other influential Hindu, Muhammadan, Sikh, and Christian leaders (including recognised leaders of the non-co-operation movement) in the Punjab and elsewhere should be invited to consider the necessary steps to be taken to reconcile the people and to maintain law and order and to ascertain how it is possible to secure co-operation." | Volume, I, No. 9 page 514. | (16) A copy of the Resolution was forwarded for the consideration of the Government of India. |
| (17) "That this Council recommends to the Government that the number of Indian Civil Service posts listed as open to members of the Provincial Civil Service in the Punjab be raised at once to one-fourth of the superior Civil Service posts in the Province, and that the proportion thus reserved shall in no way affect the proportion of appointments to be reserved for members of legal profession." | Volume II, No. 2, page 146. | (17) The Governor-in-Council has very carefully considered the number of listed posts in the light of the *claims* of the Indian Civil Service (shortly to be extensively Indianised) on the one hand, and those of the Punjab Civil Service on the other. It is of great importance to the efficient administration of the Province that the superior posts shall be mainly filled by officers having the higher standard of capacity and education which is normally reached by the service specially recruited to occupy such posts. On the other side, experience has established claims, and the best officers of the Punjab Civil Service are qualified in limited number to rank alongside of the *corps d'elite* which the reorganised Indian Civil Service will continue to provide. The course upon |

| Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken |
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| | | which the Governor-in-Council has decided is so to increase the listed posts as to open to the Punjab Civil Service for the present a number not less than that which was fixed before effect had been given to the long standing intention of appointing members of the Bar to District Judgeships The execution of that intention will thus not reduce the openings before the Punjab Civil Service. Recent orders provide that members of the Punjab Civil Service who are promoted to fill listed posts will in future have the same opportunities of promotion as those who have been directly recruited. This is an important concession which has markedly improved the prospects before the Punjab Civil Service. The sympathy with which Government regards the Punjab Civil Service has also been shown by the recent substantial enhancement of the pay of that Service. |
| (18) " That this Council recommends to the Government to provide the sum of Rs. 30 lakhs in addition to that already provided in the budget as a special grant to the District Boards of the Province for the purpose of inculcating free primary education in the area within their jurisdiction for the year 921-22." | Volume II, No. 2, page 174. | (18) The action to be taken for the expansion of primary education is still under the consideration of Government. |
| (19) " That this Council recommends to the Government to appoint a Committee consisting of officials and non-officials, to examine its present assessment and land-revenue policy, and to report what changes should be made in it." | Volume II, No. 2, page 230. | (19) It has been decided to appoint a Committee consisting of:<br>Mr. P. J. Fagan, C.S.I., I.C.S., M.L.C.,<br>Mr. Manohar Lal, M.L.C.,<br>Diwan Bahadur Raja Narendra Nath, M.L.C.,<br>S. Muhammad Hussain, M.L.C.,<br>Mian Muhammad Shah Nawaz, M.L.C.,<br>Sardar Dasaunda Singh,<br>Mr. B. T. Gibson, I.C.S., Financial Secretary,<br>Mr. D. J. Boyd, I.C.S., Revenue Secretary.<br>Mr. Miles Irving, I.C.S.,<br>to investigate and report upon these questions. |
| (20) " That this Council recommends to the Government that assessment of land revenue in the Multan District, as recently announced, be examined by a Committee, consisting of officials and non-officials, to be appointed by Government, with a view to consider specially the question of the supply of water in inundation canals as compared with the supply available in the period of previous settlement, which expired in 1900, and to report on the desirability of postponing enhancement of revenue till the water supply in these canals is adequately improved." | Volume II, No. 2, page 251. | (20) It has been decided to appoint a Committee consisting of—<br>Mr. P. J. Fagan, C.S.I., I.C.S., M.L.C.<br>Diwan Bahadur Raja Narendra Nath, M.L.C.,<br>Mian Muhammad Shah Nawaz, M.L.C.,<br>Rai Bahadur Lala Sewak Ram, M.L.C.,<br>Mian Ahmadyar Khan, Daulatana, M.L.C.,<br>Khan Muhammad Abdullah Khan, M.L.C.,<br>Mr. H. W. M. Ives, C.I.E., M.L.C., Chief Engineer, Irrgation Works, Punjab,<br>to examine the past and present water supply of the inundation canals of the Multan District, with special reference to the changes since the Settlement of 1900; the working of the rules regarding the assessment of fluctuating canal land revenue; and the policy of the Canal Department for the improvement of irrigation from these canals; and to make suggestions in regard to these matters or any of them. |
| (21) " This Council recommends to the Government to appoint a Committee to report on the changes which should be made in the Frontier Crimes Regulation, III of 1901 so far as it is applicable to the Punjab." | Volume II, No. 2, page 300. | (21) It has been decided to appoint a Committee consisting of—<br>(1) Mr. H. P. Tollinton, I.C.S., President,<br>(2) Mr. D. J. Boyd, I.C.S.,<br>(3) Mian Shah Nawaz, M.L.C., |

| Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken. |
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| | | (4) Khan Muhammad Faizulla Khan, M.L.C.,<br>(5) Khan Bahadur Sardar Jamalkhan, M.L.C.,<br>(6) Rai Sahib Lala Girdhari Ram of Kalur, M.L.C.,<br>(7) Sardar Allan Khan of Asni, M.L.C.,<br>(8) Raja Narendra Nath, M.L.C.,<br>(9) The Hon'ble Nawab Sir Bahram Khan, K.C.I.E., K.B.E.,<br>to investigate and report upon this question. |

*The 17th February 1922.*

*No. 5432.*—In continuation of Punjab Government notification No. 25851, dated the 22nd October 1921, the following statement showing the action taken by Government on further resolutions passed by the Council is published for general information :—

| Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken. |
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| (1) "That this Council recommends to the Government that a Committee be appointed to consider what special measures should be taken to increase and improve milch cattle in the Province with a view to increasing the supply of milk and ghee." | Volume II, No. 3, page 338. | (1) The Director of Agriculture, Punjab, has been instructed to appoint a Committee and to draw up terms of reference to it in consultation with the Chief Superintendent of the Civil Veterinary Department. |
| (2) "That this Council recommends to the Government to be pleased to issue orders that the birth and death registers be kept with the Revenue patwaris of the districts instead of with the Police authorities, and that the chaukidars be allowed to get the birth and death entries made by the said Revenue patwaris in the above-mentioned registers." | Volume II, No. 3, page 345. | (2) A number of practical difficulties have presented themselves in effecting a transfer from the Thana moharrirs to the Revenue patwaris and the matter is still under the consideration of Government. |
| (3) "That this Council recommends to Government that the daily allowance for members of the Punjab Legislative Council be increased from Rs. 10 to Rs. 15." | Volume II, No. 3, page 366. | (3) Action taken in accordance with the resolution. |
| (4) "That this Council recommends to the Government to appoint a Committee consisting of the Minister for Education, the Minister for Agriculture, the Director of Public Instruction, the Director of Agriculture, seven zamindar members of the Council, and the mover to report by next session on the educational needs of zamindars" | Volume II, No. 3, page 381. | (4) A committee consisting of—<br>The Hon'ble Khan Bahadur Mian Fazl-i-Husain,<br>The Hon'ble Lala Harkishan Lal,<br>Mr. G. Anderson, C.I.E.,<br>Mr. C. A. H. Townsend, I.C.S.,<br>Chaudhri Fazl Ali (the mover of the Resolution),<br>M. Muhammad Hussain,<br>S. Raja Singh,<br>S. Daswanda Singh,<br>Chaudhri Kharak Singh,<br>M. Shah Nawaz,<br>Chaudhri Bans Gopal,<br>has been appointed to consider this question. |

| Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken. |
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| (5) "That this Council recommends to the Government to appoint an expert Committee consisting of officials and non-officials to work out a detailed scheme for the separation of judicial and executive functions and prepare an estimate of the cost of the same." | Volume II, No. 3, page 396. | (5) A committee consisting of—<br>(1) The Hon'ble Mr. Justice leRossignol, Judge, High Court of Judicature at Lahore,<br>(2) Home Secretary (Mr. J. Wilson-Johnston, C.B.E., I.C.S.),<br>(3) Financial Secretary (Mr. B. T. Gibson, I.C.S.),<br>(4) Legal Remembrancer to Government, Punjab,<br>5) Mian Muhammad Shah Nawaz, M. L.C. (the mover of the Resolution),<br>6) Diwan Bahadur Raja Narendra Nath, M.L.C.,<br>7) Malik Feroz Khan Nun, M.L.C.<br>8) Pandit Daulat Ram Kalia, M.B.E., M.L.C.<br>9) S. Daswanda Singh, M.L.C, has been appointed to examine and report on the following questions :—<br>(i) If the Deputy Commissioner in his capacity of District Magistrate and the Sub-Divisional Officer, in his capacity of Sub-Divisional Magistrate, cease to exercise control over the subordinate magistracy under section 17, Criminal Procedure Code, what arrangements should be made for that control? What will be the additional cost involved, and what will be the advantages and the disadvantages of the change?<br>(ii) If the Deputy Commissioner ceases as District Magistrate with 1st class Magisterial powers and enhanced powers, under section 30, Criminal Procedure Code, to try persons charged with offences, to deal with appellate work from 2nd and 3rd class Magistrates and to have revisional powers under Chapter 33 Criminal Procedure Code, what arrangements should be made for this work? What will be the additional cost involved, and what will be the advantages and the disadvantages of the change?<br>(iii) If officers in executive charge of sub-divisions and the members of the Deputy Commissioners' staff at district and tahsil headquarters who do executive work or of any kind, cease to try or commit for trial persons charged with offences, what arrangements will be made for the work now done by them, what additions to staff will be necessary, what will be the additional cost involved, and what will be the advantages and disadvantages of the change?<br>(iv) If the officers of various executive departments, such as Canals, Forests, Salt, who now exercise magisterial functions, cease to exercise them will any additional staff and any additional cost be thereby made necessary, and what will be the advantages and disadvantages of the change?<br>(v) Can the Committee suggest any changes in Judicial procedure, such as the abolition of the commitment procedure, which would diminish the addition to expenditure entailed by the other measures proposed. |

| Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken. |
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| | | (vi) If the changes indicated in paragraphs (i), (ii), (iii) and (iv) of the foregoing are recommended, how should the prosecuting agencies (both of Government pleaders and of Court Inspectors) be strengthened in number and quality, in order that the case for the Crown may be properly put before all Courts dealing with criminal trials and what will be the expenditure involved ? |
| (6) "That this Council recommends to the Government that a Committee of six members of this Council be nominated by the Government to report on the future appointment of Honorary Magistrates and Civil Judges in the Punjab, and to propose such rules and suggest such changes as modern conditions may require." | Volume III, No. 1, page 25. | (6) A Committee has been appointed consisting of—<br>Mr. H. F. Tollinton, Commissioner, Rawalpindi, Chairman,<br>Mr. A. L. Gordon-Walker,<br>Mr. B. T. Gibson,<br>Misar Beli Ram, M.L.C.,<br>Mian Muhammad Shah Nawaz, M.L.C.,<br>Sardar Raghbir Singh, M.L.C.,<br>K. B. Raja Muhammad Akbar Khan, M.L.C.,<br>to investigate and report upon the principles and procedure which should be followed in the future appointment of Honorary Magistrates and Civil Judges in the Punjab and to propose such rules and suggest such changes as modern conditions may require. |
| (7) "That this Council recommends to the Government to refer to the Standing Committee on Public Health the proposals—<br>(i) that regular training classes be opened at Government expense for the training of compounders;<br>(ii) that their emoluments be raised materially; and<br>(iii) that their designation be changed to "Medical Assistants." | Volume III, No. 1, page 29. | (7) The proposals will as recommended be placed before the next meeting of the Standing Committee on Public Health. |
| (8) "That the Finance Committee of this Council be instructed to examine the question of the annual contribution to be paid by the Province to the Governor-General in Council under Devolution Rule 17 with a view to the total and immediate extinction of the contribution; and further to take such steps as are necessary to that end." | Volume III, No. 1, page 73. | (8) The Finance Committee considered the matter and authorised Government to address the Government of India, which has been done. |
| (9) "That this Council recommends to the Government that political prisoners in the Punjab be given better treatment, both before and after conviction, than is usually meted out to ordinary offenders against the law." | Volume III, No. 1, page 83. | (9) This recommendation is still under the consideration of Government. |
| (10) "This Council recommends to the Government to move the High Court of Lahore to call, under section 439, Criminal Procedure Code, for the records of each and every case connected with the recent political unrest in the Punjab in which a non-co-operator has been convicted so that the validity in law and fact of such convictions may be examined." | Volume III, No. 1, page 115. | (10) Government has decided to take the course recommended in all cases in which there is any substantial doubt. |
| (11) "That this Council recommends to the Government that the monthly salary of chaprasis throughout the Province be fixed at Rs. 15—1—20 and the pay of the jamadars be fixed at Rs. 21—1—25, and that those persons who have rendered five years' approved service be given the maximum." | Volume III, No. 1, page 123. | (11) Provision will be made in the budget for 1923-24 to raise the Re. 1 allowance admissible to chaprasis and menials in Lahore, Lyallpur, Sargodha, Amritsar and Rawalpindi to Rs. 2. |

*The 26th February 1923.*

*No. 6574.*—In continuation of Punjab Government notification No. 5432, dated the 17th February 1922, the following statement showing the action taken by Government on further resolutions passed by the Council is published for general information :—

| Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken. |
|---|---|---|
| 1. That this Council recommends to the Government to convey to the Right Hon'ble E. S. Montagu its profound regret at his resignation and its appreciation of the valuable services rendered by him in helping India to achieve self-Government, in securing for her an honourable position in comity of nations, and to the cause of Islam. | Volume III, No. 3. page 391. | The message was conveyed to Mr. Montagu through the Government of India. |
| 2. That this Council recommends to the Government to inform the Government of India as to the views this Council holds on the points involved in the question of the Reform of the Frontier Province Administration by its amalgamation with the Punjab or independently of it :— | | |
| (1). That the administration of the five settled districts and the adjoining agencies should be under one Administration. | | |
| (2) In no case is this Province prepared to take over the administration of the Agencies. | | |
| (3) This Council cordially approves of a due measure of reforms being given to the North-West Frontier, but considers that those reforms should be given within th Province itself and not by amalgamation with the Punjab. | Volume: IV, No. 1 pages 196-97. | A copy of the Resolution and a report of the debate was sent to the Government of India. |
| (4) In case amalgamation of the settled districts with the Punjab is considered necessary, then the cost from time to time of the administration of the territories so amalgamated, over and above the income derived therefrom, should be borne by the Government of India. | | |
| 3. This Council recommends to the Government to recommend to the Government of India to remove the restrictions placed on the export of wheat. | Volume IV, No. 1, page 207. | A recommendation was made to the Government of India accordingly. The restrictions on the export of wheat were removed by the Government of India on 7th September 1922. |
| 4. That this Council recommends to Government to expedite the survey of the Thal tract and the preparation of detailed plans of the Shind Sagar Canal Project with a view to the submission of the project to Government of India and the Secretary of State for sanction and to begin its construction as soon as work on the Sutlej Valley Project is well advanced. | Volume IV, No. 2, page 341. | In order to expedite survey work a new Public Works Department division with three sub-divisions has been opened and it is expected that survey work will be completed in April 1924 and that the Project Estimate will be ready by October 1924. By October 1925 the Sutlej Valley Project should be sufficiently advanced to allow a beginning to be made with the Thal Canal. |
| 5. That this Council recommends to His Excellency the Governor that the summer session of the Punjab Legislative Council be held at Simla. | Volume IV, No. 2, page 355. | Provision has been made in the budget for the holding of the summer session at Simla. |
| 6. That this Council recommends to the Government that a committee consisting of five Sikh members of this Council, to be selected by all Sikh members of this Council, be appointed to bring about a settlement between the Mahant of the Guru-ka-Bagh and the Shiromani Gurdwara Pa bandhak Committee. | Volume IV, No. 5, page 501. | The resolution did not call for any action on the part of Government. |

| Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken. |
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| 7. That this Council recommends to the Government that the resolution regarding increasing of the emoluments of Zaildars and Lambardars, which was carried in the Council early in March 1921, be given effect to immediately. | Volume IV, No. 5 page 599. | The Government is not in favour of the proposed addition to the revenue pachotra of Lambardars, but it is open to any member of the Council to bring in a private Bill to legalize the proposal. Until such a Bill is passed the Government would not feel justified in recommending the expenditure from Provincial Revenues entailed by the Resolution. |
| 8. That this Council recommends to the Government that when the headquarters of the Shahdara Tahsil have been transferred to Shahdara, a sub-tahsil be established at Sharakpur. | Volume IV, No. 5 page 630. | Action is being taken for the establishment of a tahsil with a Sub-Treasury at Sharakpur which will remain open for four months in a year. |
| 9. That this Council recommends to the Government that a Committee of six members of this Council with an official Chairman be appointed to enquire into and report on the question of communal representation in the cadre of Civil Services, both senior and subordinate, and to suggest such remedies as should for ever close the recent Hindu-Muslim controversy which is being carried on in the Press. | Volume IV, No. 5, page 639. | Certain members have been invited to serve on the Committee. |

*The 11th July 1923.*

*No. 18768.*—In continuation of Punjab Government notification No. 657, dated the 26th February 1923, the following statement showing the action taken by Government on further resolutions passed by the Council is published for general information :—

| Serial No. | Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken. |
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| 1 | That this Council recommends to the Government to attempt an experiment on a unit of area of not less than one 'Rajbaha' of the amalgamation of the Canal and Revenue Patwari agencies and Zilladars with Naib-Tahsildars and Deputy Collectors with Tahsildars and Extra Assistant Commissioners according to the permanent salary which they would be drawing at the time; and place them all under the direct control of the Collectors. | Volume IV, No. 8. page 845. | Arrangements are being made for amalgamation on the lines suggested in the resolution on the Western Jumna Canal. Preliminary discussion has taken place between *Canal* and *Revenue* authorities and it is hoped that the staffs will be amalgamated by 1st January 1924. |
| 2 | That his Council recommends to the Government to keep all political prisoners in such jail or jails situate in healthy and temperate climate as it may set aside exclusively for this purpose, no ordinary culprits being detained in such jail or jails. | Volume IV, No. 8, page 878. | Prisoners of the special class are segregated as far as possible in two District Jails. Owing to the crowded state of the jails it has been found impossible so far to go beyond this in the direction recommended. |
| 3 | That this Council recommends to the Government that all persons arrested in connection with Guru-ka-Bagh affair, the Kirpan cases and Gurdwara movement be immediately released. | Volume IV, No. 10 page 1124. | As explained in the course of the debate, Government were not able to accept this resolution as it stood. The remainder of the Guru-ka-Bagh prisoners were, however, released about the end of April 1923, in circumstances that have already been made public. to The message was conveyed His Majesty the King through the proper channel. |
| 4 | That this Council requests His Excellency the Governor of the Punjab to convey that Council's respectful congratulations to His Most Gracious Majesty the King-Emperor of India on the birth of a grandson, Princess Mary's son. | Volume IV, No. 14, page 1365. | |
| 5 | That this Council do recommend to the Local Government that it should undertake to pay the cost, not exceeding Rs. 23 lakhs of a diversion of the Sutlej Valley Railway line between the stations of Pakpattan and Mailsi required in the interests of the development of Nili Bar colony. | Volume IV, No. 10, page 1506. | The Government of India have been addressed by the Public Works Department in this connection and correspondence continues. |

| Serial No. | Terms of Resolution passed. | Volume No. and page of Punjab Legislative Council debates. | Action taken. |
|---|---|---|---|
| 6 | That this Council recommends to Government that the number of 'Muharram' holidays be increased from 3 to 5 days, i.e., from the 6th to the 10th of 'Muharram' both inclusive. | Volume IV, No. 17, page 1549. | The question is still under the consideration of Government. |
| 7 | That this Council recommends to the Government to appoint a Committee of official experts with a majority of non-official members of the Legislative Council under the presidency of the Hon'ble Minister for Agriculture, Punjab, to examine how far overlapping exists amongst the departments of Public Works Department, Roads and Buildings; Irrigation and District Boards, and how far the recommendations of the Sly Committee report, appointed by the Government of India for the same purpose can be given effect to in this province. | Volume IV, No. 17, page 1558. | The appointment of a Committee is still under the consideration of the Ministry of Agriculture. |

## BIHAR AND ORISSA.

Letter No. 1362-C., dated 14th August 1923.

From—The Chief Secretary to the Government of Bihar and Orissa,

To—The Secretary to the Government of India, Home Department.

As requested in your letter No. D.-917, dated the 23rd April 1923, I am directed to submit the report asked for by His Excellency the Governor General in Council, on the working of the reformed constitution, and its results, political, financial and administrative, from the introduction of the Government of India Act, 1919 to date.

The Legislative Council has just held a short two days sitting, and meets again for six days at the end of August prior to dissolution. The statistics of this session are not included in the details as to legislation, resolutions, questions, etc. They are not likely materially to affect the main conclusions to be drawn, but they will be given later in a supplementary letter, and the facts reported will then cover the whole life of the Council.

2. *Personnel of the Reformed Government.*—The 29th December 1920 was the date on which the new constitution was inaugurated in Bihar and Orissa. On that date Lord Sinha assumed the office of Governor, and the Members of the Executive Council took their seats. These were Sir Walter Maude, Mr. (afterwards Sir) Havilland LeMesurier (both of the Indian Civil Service) and Rai Bahadur Krishna Sahay, and all three had previously been members of the Executive Council of the Lieutenant-Governor. The first Ministers appointed, Khan Bahadur Saiyid Muhammad Fakhruddin and Mr. Madhusudan Das, entered upon their offices early in January. Since the Reformed Government was first constituted the following changes in its personnel have occurred :—

(1) On the 16th April 1921, Sir Walter Maude resigned his office as Member, and was succeeded by Mr. Hugh McPherson, I.C.S., who took his seat on the 16th April 1921.

(2) On the 18th June 1921, Rai Bahadur Krishna Sahay died, and was succeeded by Mr. Sachchidananda Sinha who had already been officiating for him during his illness.

(3) On the 29th November 1921, the Right Hon'ble Lord Sinha resigned his office of Governor, and the Vice-President of the Executive Council, Sir Havilland LeMesurier, became acting Governor under the provisions of section 91 of the Government of India Act.

(4) On the 12th April 1922, Sir Henry Wheeler assumed office as Governor.

(5) On the 1st November 1922, Sir Havilland LeMesurier resigned his Membership of the Executive Council, and the number of members of the Executive Council was simultaneously reduced from three to two, no appointment being made in his place.

(6) On the 9th March 1923, Mr. Madhusudan Das resigned his office as Minister of Local Self-Government, and on the 27th March 1923, Babu Ganesh Datta Singh was appointed in his place.

3. *Distribution of business.*—The distribution of business on the transferred side has remained unchanged since the beginning of 1921, and is as then arranged by Lord Sinha. The two Ministries are styled the Ministry of Education and the Ministry of Local Self-Government. The

business allotted to the former includes, besides education, the administration of what may be called the development subjects (agriculture, co-operative credit, development of industries, etc.), as also excise and registration. The Ministry of Local Self-Government is charged with the care of medical administration, public health and public works, roads and buildings, in addition to the business falling under the head of Local Self-Government proper.

On the reserved side, Lord Sinha retaining in his own hands the administration of the Feudatory States of Orissa, and a few other subjects of a more or less personal nature, the distribution of the rest of the reserved subjects amongst the Members was broadly as follows :—

| | |
|---|---|
| Sir Walter Maude .. | Appointment Department.<br>Revenue Department. |
| Sir Havilland LeMesurier .. | Political Department (including Police).<br>Finance Department. |
| Rai Bahadur Krishna Sahay .. | Judicial Department.<br>Irrigation Department. |

The first redistribution was made after Mr. McPherson succeeded Sir Walter Maude, when Sir Havilland LeMesurier took over the Appointment Department in exchange for the Political Department, which was allotted, along with the Revenue Department, to Mr. McPherson. No change was made when Mr. Sinha succeeded Rai Bahadur Krishna Sahay, but after the resignation of Sir Havilland LeMesurier, Sir Henry Wheeler redistributed the business as follows :—

| | |
|---|---|
| Mr. McPherson .. .. | Appointment Department.<br>Political Department (including Police).<br>Revenue Department. |
| Mr. Sinha .. .. | Finance Department.<br>Judicial Department.<br>Irrigation Department. |

The office of Vice-President of the Executive Council was held in succession by Sir Walter Maude, Sir Havilland LeMesurier and Mr. McPherson. Sir Walter Maude was also appointed to be President of the Legislative Council, and was succeeded in that office by Mr. Sinha. The appointment of a member of the Executive Council as President of the Legislative Council was contrary to the views expressed by the Joint Select Committee of both Houses of Parliament, and Lord Sinha was aware of the objections to that course. He was of opinion, however, that, so long as there were three members of the Executive Council, while no other province (except the Presidencies) had more than two, it would impose an unnecessary burden on the provincial finances if the salary of the President of the Legislative Council had also to be found. This arrangement terminated when Sir Havilland LeMesurier vacated office, and the members of the Executive Council were reduced to two, a non-official member of the Legislative

Council, Khan Bahadur Khwaja Muhammad Nur, being then appointed as President.

4. *Allocation of funds to reserved and transferred subjects.*—No part of the Reforms scheme was more thoroughly discussed than the financial relations between the two sides of the Government, and the question of a joint purse or separate purses was the subject of energetic controversy. Apprehension was freely expressed that under a joint purse system (the solution finally adopted) there would be constant friction between the Executive Council and Ministers, and that the Governor would find great difficulty in discharging the duty imposed upon him of finally allocating the revenues and balances of the province between reserved and transferred subjects, if the two sides were unable to agree. Fortunately, however, these apprehensions have hitherto proved groundless so far as Bihar and Orissa is concerned, and there has been no occasion to put in force the procedure prescribed in rule 32 of the Devolution Rules.

5. The budget of the year 1921-22 was in an advanced state of preparation when the Ministers took office early in January 1921, and in the circumstances, it was impossible for them to acquaint themselves fully with the work of their departments before the financial arrangements for the coming year were finally settled. On the 14th January, the Finance Department placed the amount available for new expenditure at Rs. 22,55,000 of which only Rs. 97,000 could be devoted to recurring charges. After examining the sanctioned schemes and discussing their relative urgency with the departments concerned, the Finance Member suggested an allocation which was accepted at a joint meeting of the Executive Council and Ministers. Rs. 16,05,000 (including Rs. 79,000 recurring) was allotted to transferred subjects, and Rs. 6,50,000 (including Rs. 18,000 recurring) to reserved. A sum of Rs. 5,00,000 was held as a balance for supplementary estimates, and was provisionally allotted in equal shares to each side.

6. When the estimates for the year 1922-23 were in preparation, the Ministers were, of course, in a far better position to put forward their demands for additional funds. The time, however, was one of financial stringency, and it was well known that no increase in recurring expenditure would be possible. The amount available for new non-recurring expenditure was estimated to be Rs. 10,00,000, and at a joint meeting it was agreed that Rs. 3,00,000 should go to the reserved side, and Rs. 7,00,000 to the transferred side. The amount held in reserve for supplementary demands was not allocated. On this occasion there was no selection of the sanctioned schemes before the allotment of funds between the two sides. After the allocation, however, the schemes on either side were examined by the respective Standing Committees, and finally the two committees sat together as a finance committee to advise finally as to the selection of schemes within the limits of the allotments. A recommendation of this joint committee that the allocation to the transferred side should be increased from Rs. 7,00,000 to Rs. 8,00,000 was accepted by Government.

7. From the constitutional point of view there is a danger that a joint committee of the nature described in the last paragraph may unduly interest itself in the allocation of funds between the two sides of the Government. Recommendations as to the relative urgency of important sanctioned schemes on either side are properly made by the Standing Committee (or committees) concerned, but if the committees finally sit together as a finance committee they can hardly refrain from advising on the relative urgency of schemes as between the two sides, and that at once raises the

question of allocation. When therefore the budget for 1923-24 was in preparation it was considered preferable to run no risk of misunderstanding and the procedure was accordingly revised. Each department, after obtaining the advice of the appropriate Standing Committees, submitted to the Finance Department lists of its proposals for new expenditure arranged in order of urgency. When these had been examined, it was found that sufficient funds were available to meet all the demands, and thus for the third time the danger of a difference between the Executive Council and Ministers was averted. At the time when the lists were sent in, the surplus had been provisionally put at a much lower figure than it eventually turned out to be, and this fact no doubt influenced the Departments in making their demands. In future years it may be expected that they will show less diffidence and spread their nets wider. The allotments were as follows :—

| | Recurring. | Non-recurring. | Total. |
|---|---|---|---|
| | Rs. | Rs. | Rs. |
| Reserved side .. .. .. | 1,30,000 | 8,55,500 | 9,85,500 |
| Transferred side .. .. .. | 11,67,600 | 16,58,900 | 28,26,500 |
| Total .. | 12,67,600 | 25,14,400 | 38,12,000 |

8. It will be seen that during the first three years covered by the Reforms the aggregate allotments to reserved and transferred subjects for new schemes were Rs. 19 and 52 lakhs, respectively. Government have thus redeemed the promise which was made when new taxation was imposed by the Court-fees Amendment Act, 1922, that the major portion of the additional resources thus secured would be devoted to the needs of the transferred departments. But even before the revenue was thus enhanced every effort was made to treat the transferred side with liberality, and were the matter viewed as a conflict between the two sides, there is little doubt that the reserved got the worst of it. Any forebodings that the contrary would be the result were certainly falsified. It is probable that this would have happened even had there been no reforms, since there is unanimity that the future progress of the country lies mainly on what is now the transferred side, but the Reforms probably accelerated the process, since, whereas the reserved side exercised rigid economy, Ministers naturally sought new avenues of advance.

9. In the current years' budget the reserved expenditure is Rs. 343 lakhs and the transferred Rs. 168 lakhs, though these figures are entirely misleading since the whole structure of orderly Government, but for which expenditure on transferred subjects would be impossible, is debited to reserved. Hitherto the discussions about the allocation of funds have been concerned exclusively with the allotment of surplus revenue and balances, and within the Government no question has been raised as to the total allocation between reserved and transferred. But in the Legislative Council the alleged starving of the transferred departments and the disproportionate share of the total revenues taken by the reserved side have,

as elsewhere, proved popular cries, and it was in response to such criticisms that a Retrenchment Committee was appointed in 1921, whose recommendations are now under the consideration of Government. Such examination as has so far been made of them does not point to the probability of very great savings, and many of the suggestions made are based on insufficient knowledge and are impracticable. In fact, unless the present system of Government is materially changed, *e.g.*, by the substitution of Provincial for All-India Services, it is unlikely that substantial economies will ever be feasible, and even then they would probably not be so large as our critics anticipate. The truth is that in a poor province like this, expenditure is habitually pared down, and the funds available are not sufficient to meet much needed improvements, let alone luxuries or waste.

The Legislative Council and the Ministers have, however, been generally satisfied with the liberality displayed towards the transferred subjects in the allocation of new revenue, and the question of the distribution of total expenditure between the two sides has not so far been unduly pressed. But it is an obvious possibility of the future that a Minister, unable to obtain from the surplus all the money he needed for the development of his own departments might raise the question whether the reserved expenditure ought not to be reduced. In that case the procedure laid down in rule 32 of the Devolution Rules would no doubt come into play.

10. *Constitutional or Cabinet difficulties, and the resignation on such grounds of Members or Ministers.*—Constitutional crises have happily so far been few in this province, and the relations between the Governor and His Executive Councillors and Ministers, and between the latter *inter se*, have been cordial. Differences of opinion there have, of course, been, but it would be incorrect to say that any acute constitutional difficulties have so far, arisen within the Local Government.

As mentioned above, the Hon'ble Mr. Das tendered his resignation as a Minister in March last. Ostensibly he resigned because the Governor would not allow him to serve in an honorary capacity, but this was not a correct statement of the facts, and the correspondence between him and the Governor, which was published at the time, showed conclusively that the proposition which he laid before the Governor was that he should be allowed to combine the position of an honorary Minister with the right to practise at the Bar. This His Excellency was unable to accept. Apart from this, Mr. Das had had some open differences of opinion with certain non-official members of the Legislative Council, as the result of which he had expressed in Council his intention to resign, and although he subsequently withdrew from that position, it is probable that these incidents largely weighed with him. In any case it is noticeable that although reference to his resignation was naturally made in the press it was generally admitted that his suggested combination of functions was out of the question.

11. *Reinforcement or readjustment of Secretariat and other headquarters establishments necessitated by the Reforms.*—The introduction of the Reforms scheme increased the number of members of the Government from four to six (later five) as well as the size of the Legislative Council and the length of its sessions, and these changes have inevitably necessitated some expansion in the Secretariat and in the staff of the Legislative Council, though other headquarters establishments have been left pretty much as they were.

Quite apart from the constitutional changes it had become evident by 1920 that three Secretaries could no longer undertake the work of the civil departments, other than the Public Works Department. As

business was then distributed, the Chief Secretary had charge of the Appointment, Political and Education Departments ; the Financial Secretary of the Finance and Municipal Departments ; and the Revenue Secretary of the Revenue and Judicial Departments. Under this arrangement both the Chief Secretary and the Financial Secretary were overburdened, and the appointment of a fourth secretary had become inevitable. This new appointment existed on a temporary basis for more than a year prior to January 1921, and the need for it cannot therefore be ascribed mainly to the Reforms Scheme, although, of course, the new system of Government accentuated it. It soon became evident, however, that even four secretaries would not suffice, and that the appointment of a fifth secretary was required. The fourth secretary held charge both of the Municipal and the Education Departments, and was thus responsible for the major portion of the work connected with the transferred subjects. In October 1921 a fifth secretaryship was created temporarily, and, it is expected, will shortly be made permanent. The work of the transferred side is now divided between two secretaries (Education and Local Self-Government), and that of the reserved side between three (the Chief Secretary, Finance and Revenue). This increase in the strength of the Secretariat was unavoidable. The pressure of work during the Legislative Council session is something to which the former system presents no parallel. On the transferred side of the Government, moreover, the Minister naturally expects from his secretary an amount of assistance in matters of administrative detail with which the official Member of Council could dispense.

12. From 1912 to 1920 the office of Secretary to the Legislative Council was combined with that of Legal Remembrancer, but on more than one occasion the work of the two appointments proved beyond the capacity of a single officer, and an Additional Legal Remembrancer had to be appointed temporarily. It was evident that on the introduction of the Reforms the complete separation of the two offices would become inevitable. Arrangements were made, therefore, for the immediate appointment of a whole-time Secretary to Council, who acted also as Secretary to Government in the Legislative Department, and as a measure of economy, the office of Legal Remembrancer was then combined with that of Secretary to Government in the Judicial Department. An Assistant Secretary to the Legislative Council together with a larger staff of clerks and reporters has also been appointed.

13. *Standing Committees appointed at the instance of the Legislature, and Council Secretaries.*—A standing committee of Public Accounts has been constituted in accordance with the requirements of the Devolution Rules. It has submitted the first report on the accounts of 1921-22, which will be considered by the Council in the coming session.

14. Two other standing committees have been constituted, one for the reserved subjects and one for the transferred subjects, before whom it has become the established practice to place all important proposals for new expenditure prior to a request for a vote in Council. It is possible in committee to explain fully to the non-official members the reasons for any particular proposal, and an opportunity is afforded to Government members to answer questions and set doubts at rest. The attendance of the non-official members at these committees has not, however, been very regular, and the object in view has sometimes been thereby frustrated. The arrangement of two standing committees was approved by Lord Sinha, who placed no term on their constitution, but in the opinion of Sir Henry Wheeler the system by which one committee deals with all the reserved

subjects, and another with all the transferred subjects is wrong in principle, and the Bengal practice of departmental standing committees is far preferable. For one thing, the latter enlists the co-operation of a larger number of the Council, and affords them a valuable experience. Secondly, it renders it possible for the Council to elect to each committee, the members known to be interested in, and to have knowledge of, the particular subjects with which each committee will be called upon to deal ; there are few non-officials who are equally interested, say, in land revenue and police (on the reserved side), or in Local Self-Government and agriculture (on the transferred). His Excellency contemplates following the Bengal precedent in the new Council, although he has accepted in the current Council the arrangement which he found in being and which, on the face of the orders, was sanctioned by his predecessor for the life of the Council.

15. Otherwise a number of committees have been constituted by Government at the express request of the Council, or in accordance with its known wishes. These naturally fall into two groups. The first includes what may be called ' policy ' committees, that is to say, committees appointed to advise Government as to the policy to be adopted in some particular branch of the administration. The first committee of this kind was appointed, in accordance with a resolution passed in the first session, to consider the whole question of primary and secondary education. It has submitted its report, which has been published for general information and criticism, but final orders with regard to it have not yet been passed. Its proceedings were very protracted, and it is probable that effect will be given to a number of its proposals. A second committee was appointed to consider the policy to be followed in the Agricultural Department, and to advise in particular, regarding the future of the Sabour Agricultural College. This committee has submitted its report, and orders have been passed by Government generally accepting its recommendations, although it is questionable whether they did not in some instances, seriously impair the efficiency of the department, to which the Legislative Council in this province has always shown a curious antipathy. In the cold weather of 1922 a resolution was passed by the Council for the appointment of a committee to consider the reorganization of the Medical and Sanitary Departments. This, however, has not yet met, the Minister having decided that it would be no use assembling it until the necessary materials were ready for its consideration. A fourth committee was appointed to advise Government as to the policy to be followed in connection with the development of the mineral resources of the province, but its report has not yet been submitted. A fifth committee may also be mentioned in this connection, although it was not directly appointed at the instance of the Council, but by the Minister on his own initiative, inspired, doubtless, by the trend of Council feeling. This is the committee appointed to advise regarding future excise policy. Its report has recently been received, but final orders have not yet been passed. Finally mention should be made of the Local Self-Government conference at which the principles to be adopted in amending the law affecting municipalities and other local bodies were discussed. This, however, included representatives from local bodies throughout the province, and was not confined to members of the Legislative Council, although the deliberations of the latter body were the cause of its assemblage.

16. It will be noticed that, with one exception, all these committees were appointed to deal with transferred subjects. This fact is of some importance, and must be ascribed, in the main, to the absence in the Council of any clearly defined parties. The facts in this matter will be

examined in a later paragraph (*vide* Nos. 72 and 74), but some reference to them is relevant here. The Minister, who has no organized party at his back and who has not been elected on any clear cut programme, must look for support to the non-official members as a body, and in order to be sure of obtaining such support he is compelled to take them into his confidence before formulating his policy. This was the more necessary since, at the outset, he and they alike lacked detailed knowledge of administrative work, and had to acquire it. In these circumstances, the formation of committees to review almost every branch of the administration was probably inevitable. The existence of a Parliamentary system on the English model, under which the Ministers first formulate their policy and then present it to Parliament, is absolutely dependent on the existence of well defined parties. In their absence the Minister finds difficulty in articulating a definite policy of his own, and unless he is prepared to do so, and by the force of his personality and power of persuation to carry the majority with him (a position which has not, so far, been realised), he must fall back upon the expedient of consulting the non-official members of the Council and ascertaining their views, before undertaking legislative measures or administrative schemes which cannot be put through without their goodwill and support. Unless parties come into existence it seems likely that the committee system will establish itself ; and that the American Congress, rather than the British Parliament may be the model followed.

17. The remainder of the committees to be considered were appointed to investigate particular problems, rather than to advise on general questions of policy. The two Irrigation Bills, as also the Bihar Tenancy Bill, were drafted on the recommendations of committees containing a majority of members of the Legislature, but while the former committee's labours resulted in two additions to the statute book, the Tenancy Bill was eventually withdrawn by Government, as is subsequetly explained. A Retrenchment Committee was appointed by Government in 1921, in accordance with a strongly expressed wish of the Council, but did not submit its report till March 1923, nearly two years later. It is now under the consideration of Government, and a general criticism of its recommendations has already been given. Another important committee was appointed to devise a scheme for the separation of judicial and executive functions. It submitted its report in May 1922, and the Local Government, after examining the proposals made, have addressed the Government of India on the subject. The Orissa Floods Committee was appointed in accordance with a resolution passed by the Council to consider what remission of revenue should be granted in certain districts in Orissa owing to the damage caused by floods in the year 1920. The Local Government, after considering the committee's recommendations, sanctioned a remission of one-half of the land revenue for that year in favour of 88 estates in the districts of Cuttack and Balasore. Another resolution (passed after the Saran floods in 1922) asked for a committee to examine the whole question of embankments, but effect has not yet been given to this recommendation. Finally, Government are committed to two more committees on the subject of education. One of them is charged with the duty of making recommendations on the subject of vocational education, and has commenced its work. The other (not yet appointed) is to devise a scheme for the extension of free and compulsory education throughout the province.

18. No experiment in the direction of employing Council secretaries has yet been made in Bihar and Orissa.

19. *Relations between the Reformed Government and the Public Service.*—Of all the public services it is the All-India Services and especially the Indian Civil Service and the Indian Police which have been most profoundly affected by the introduction of the Reforms Scheme, for much of the power which previously rested in the hands of the former has already passed to the Legislative Council and to Ministers responsible to the Council, while the latter see themselves increasingly liable to attack, and have a waning confidence in the extent of the protection which they may receive from higher authority. It is obvious that the present intermediate stage between bureaucratic supremacy and popular control creates difficulties on both sides. On the one hand, the member of a service may find himself obliged to carry out a policy which he regards as detrimental to the best interests of the country, while on the other, the Minister finds it irksome to work through services not fully under his control but subject ultimately to another authority. Whatever the difficulties, there has been no want of loyal co-operation on the part of the services or of cordial appreciation on the part of the Ministers. Occasions of personal friction have been rare, and there has been an honest endeavour on both sides to make the best of things and not to create difficulties unnecessarily. But the anomalies of the situation are likely to become more prominent. The authors of the Joint Report contemplated that for many years the All-India Services would continue their beneficent work in harmony with the new institutions which were to be created, guiding, and to some extent moulding, the proceedings of the Ministers and the Council. This hope, however, seems doomed to frustration. Both the Council and the Ministers realise that, for the present, the knowledge and experience of the services are indispensable to them, but they cannot be expected to remain in leading strings for an indefinite period, and it is inevitable that they should desire a greater degree of independence. They feel also (though so far, the feeling is based on theory rather than on any actual *impasse* that has arisen) that, so long as the All-India Services are responsible ultimately to the Government of India and the Secretary of State, they have not full control even over the transferred subjects, and any prolonged continuance of this arrangement would be resented. Probably the first demand put forward by an autonomous provincial Government would be for the complete control of the public services working within its borders. Since January 1921 the demand for Indianisation has assumed a new form ; it is now rather for Indianisation through provincialisation, and this tendency, especially since the argument of economy can be used in its support, is likely to strengthen as time goes on. Speaking broadly, provincialisation means Indianisation. It is quite possible that the provincial Governments of the future may be content to employ for a time a proportion of European officers, but as regards future recruitment they will seek to impose the condition that these shall be responsible to them and not to any external authorities.

20. The view of the present situation and of its probable developments outlined above is, of course, merely a forecast, of which time alone can prove the accuracy or otherwise, but it is the view taken by a growing proportion of the services. They foresee in the India of the not very distant future no place for them as services in the sense in which these previously existed, and it is this feeling more than anything else which is responsible for premature retirements and for pessimism as to the expediency of future recruitment. The position of the other services is not quite the same, for they never shared in the control of the administration to the same extent as did the Indian Civil Service. Their position,

therefore, is not so radically changed. But they too are witnesses of the steady pressure maintained by the Legislative Council for the abolition of the higher appointments which are the prizes of the services, and of the spirit of racialism which tends increasingly to dominate discussions about the services.

21. In the circumstances described above, it is not surprising that members of the services should feel that their tenure is extremely insecure, and that any chance of securing suitable employment elsewhere is worth accepting. In some cases the present rates of pay are regarded as inadequate, but apart from that the move for premature retirement is not so much that the present state of things is intolerable, as that the future holds out few prospects. There is this also to be added—and it applies specially to those officers who are most hopeful of India's future and most willing to be of service to her—that no man cares to go on working when his services are not wanted. It is doubtless this distrust of the services regarding the future which is responsible for the birth of numerous service associations, and particularly of the European Government Servants' Association, which has not yet been recognized by the Government of India or the Local Government, as it includes the Indian Police amongst the All-India Services represented in its membership. The exception thus taken by Government to the inclusion of the Police was bitterly resented. It is unfortunate that this vogue of service association has taken a racial turn, and the reply to the European Government Servants' organization has, not unnaturally, been the formation of a similar association for the Indian members of the superior services.

22. The actual relations between the members of the reformed Government and the All-India Services in Bihar and Orissa have thus, on the whole, been harmonious on both sides, but there is one marked exception. From the first the attitude of the Legislative Council to the Indian Agricultural Service was hostile, and this hostility could not but affect the worth of the department. Many members evinced a profound disbelief in the value of the work which this service carries on, and a keen desire to alter radically the administration of the department. The cadre of the service is a very small one, but there has already been one premature retirement, and its members feel that they cannot look to the Council for support and encouragement. The attacks made in Council on this department, and certain depreciatory references which have been made to the work of the Indian Medical Service, evincing a desire to revert to Indian systems of medicine, are features which are worthy of notice.

23. Except in the case of one department there is little to say regarding the relations of the Reformed Government with the Provincial and Subordinate Services, for they have not differed appreciably from those prevailing in pre-Reform days, and in fact the marked development towards the enhancement of the position of the Provincial Services at the expense of the All-India cadres, is obviously, an encouragement to the former. The exception is the police. The position of that department has been extraordinarily difficult. It is immediately and directly responsible for the maintenance of law and order, and it has passed through a most trying time, when a powerful party was endeavouring to overthrow the established Government and when the public peace was constantly imperilled. This period of stress coincided with the first 18 months of the new constitution, of which one of the cardinal points is that the administration even of the reserved subjects should be carried on, as far as possible, in conformity with Indian opinion. But Indian opinion constantly displayed itself, both in the legislature and in the press, as blind to the dangers involved and opposed to the exceptional measures which the situation

seemed to require. In these circumstances, the Governor in Council took risks which at other times would probably not have been taken, and carried tolerance up to the utmost possible limits. The position of the officers immediately responsible for the public peace must, under these conditions, be anxious and difficult. The morale of the police force stood the strain in a remarkable way, but unquestionably their confidence was shaken. In addition to this the men of the lower ranks see that amongst the Provincial and Subordinate Services the retrenchment axe is levelled at them alone, and that the Legislative Council is anxious both to reduce their numbers and limit their powers. In these circumstances, the police force is naturally apprehensive of the consequences which provincial autonomy may entail for them, and feels that even the present advance has left its position far from secure.

24. *Effect of the Reforms on the cost of the administration.*—The increase in expenditure due directly to the Reforms Scheme can be estimated with reasonable accuracy, and may be summarized as follows :—

| | Rs. |
|---|---|
| Executive Council .. .. .. | 60,000 |
| Ministers— | |
| (*a*) salaries .. .. .. | 96,000 |
| (*b*) other expenditure .. .. | 24,000 |
| Legislative Council— | |
| (*a*) salaries .. .. .. | 65,000 |
| (*b*) other expenditure .. .. .. | 95,000 |
| Secretariat .. .. .. | 1,00,000 |
| Elections .. .. .. .. | 50,000* |
| Total .. | 3,70,000 |

The saving in the cost of the Executive Council was not realised until the resignation of Sir Havilland LeMesurier in October 1922, but on the other hand up to date one of the members was also President of the Legislative Council. As the salary of the President has been fixed at Rs. 2,500 a month against Rs. 5,000 drawn by the third Member, the increase in cost during the first two years was really higher by Rs. 30,000. Similarly, up till March 1923, the Ministers received salaries of Rs. 5,000 a month, but have now voluntarily accepted reduced salaries at the rate of Rs. 4,000. Minute accuracy is not possible, especially as the introduction of the Reforms Scheme coincided with a general rise in the salaries in all departments, but the increase in recurring expenditure may safely be put at between Rs. 3½ lakhs and Rs. 4 lakhs. The non-recurring expenditure necessitated by the Reforms Scheme up to date has amounted to Rs. 5¼ lakhs, and was incurred for the construction of a new Council Chamber at Patna, the adaptation of the Secretariat building at Ranchi so as to provide a Council Chamber there, and the construction of quarters for members of the Legislative Council at Patna and Ranchi. Further expenditure upon quarters is in contemplation and the construction of residences for the Ministers at Ranchi is in progress.

It is impossible to estimate the expenditure indirectly due to the Reforms. The whole tendency of the new system must be on the one hand to reduce or limit expenditure in the security departments and the higher

*The expenditure amounts to about Rs. 1.5 lakhs in every third year.

services, and to increase the expenditure on education, medical relief and sanitation. But an increase in the directions last mentioned would most certainly have ensued even had there been no Reforms, and while the Reforms may have accelerated the process, it is not entirely due to them.

25. *Effect of the Reforms on the efficiency of the administration.*—It is almost equally difficult to assess the gain or loss in efficiency under the new system to Government. When the Reforms were inaugurated, the departments were beginning to emerge from the war period and the difficulties caused by shortage of officers and concentration of war work. There followed the fight with non-co-operation, and the attention of all officers was again diverted from their ordinary duties. In these circumstances it would be unfair to ascribe any loss of efficiency, as compared with pre-war standards, solely to the Reforms. The attention of the Ministers, moreover, has been concentrated mainly on the investigation of questions of policy, and in administrative matters. They have naturally relied on the advice of the permanent officials. A longer time must elapse before any fair judgment can be formed in this matter, and indeed some observers take the view that, as yet, there has been little definite change either for the better or the worse. In particular departments definite results may be traceable, *e.g.*, there has been a distinct advance in rural sanitation and medical relief, while on the other hand the Agricultural Department, as already described, has suffered from the hostility of the Legislative Council, both to the policy hitherto followed and to the officers of the Indian Agricultural Service as a body. Few generalisations as to the results are yet possible, though attention may usefully be drawn to an obstacle to progress which has been already encountered. The Legislative Council has already manifested a marked desire to interfere in the details of administration, and their financial powers afford them considerable scope for doing so. They seem to think that the province should be run on the lines of a municipality. Consequently schemes are apt to be delayed and, it may be, modified in detail, in deference to non-official opinion in a way which constitutes a hindrance to departmental progress. Again, this is particularly true of the Agricultural Department.

26. Otherwise, the direction in which things are moving is not doubtful. Hitherto the motive power which kept the machinery going and made progress possible has come from above, and even twenty years ago it was still possible for an energetic Viceroy to make his influence felt in every part of India and to secure important results in a comparatively short time. In more restricted spheres the ' drive ' came from the officers of the superior services, very largely European, and improvements were effected under their stimulus or not at all. But the Reforms Scheme means definitely that this is to cease. The initiative now lies largely in other hands, and the goal to be attained is no longer the same. For the future the impulse to improvement, if it comes at all, must come from the educated Indian, and as yet he has not the knowledge nor the experience to use his opportunities to their full effect. In these circumstances there is likely to be a period during which, though much ground may not be lost, progress will be imperceptible. The momentum of the machine may serve to keep things going, but until the Indian has mastered its intricacies, it will not move forward. The European officer has now less incentive to constructive effort, for he has no assurance that what he does will not be reversed before ten years are over, and he must be content to safeguard, if he can, what has already been granted. Moreover, he no longer has the same power to carry through improvements ; formerly, if he could persuade an official Government of their merits, his proposals probably went through, sooner or later, as funds became available. But now an

entirely different set of critics has to be convinced, and the Legislative Council can definitely obstruct new schemes in many ways. This tendency is likely to be felt, for instance, appreciably in the Settlement Department. Again, from the local self-government sphere the district officer is now practically excluded. It is in this way that the Reforms Scheme has already made its effect felt, and a distinct relaxation of effort is observable in some branches of the administration, for when the stimulus which the superior officer has been wont to supply is withheld, the subordinate officers can hardly be expected to display the same energy as before.

27. It is not only a period of marking time, however, that must be expected ; an actual loss of efficiency is probably inevitable. It has been made plain time after time in the Legislative Council that the educated non-official Indian in this province does not as yet appreciate the need of adequate supervision if efficiency is to be safeguarded. The recommendations of the Retrenchment Committee involve the disappearance of Commissioners of Divisions, of Deputy Inspectors-General of Police and of Superintending Engineers ; while on a lower grade wholesale reductions have been recommended in the numbers of deputy superintendents and inspectors of police. If supervising officers are to be ruthlessly excised, it will be idle to expect that the old standards of administration could be maintained, the more so if, simultaneously, the less competent agency of the Provincial Services is substituted for All-Indian officers. It may be that for this there will be compensating advantages, but the fact cannot be ignored.

28. The Governor in Council does not propose to enlarge further on this branch of the subject. The time has not yet come when any final judgment can be pronounced. All that can be attempted is to note the symptoms which indicate the general trend of events.

29. *Local Self-Government and the Reforms.*—Since January 1921 the whole field of local self-government has been considered by the Legislative Council, and three important Acts have been passed. When the Ministers assumed office a Bill to consolidate and amend the Bengal Municipal Act had already been drafted by the former Government, which was designed to bring the municipal law into accordance with the general principles approved by the Government of India and with modern requirements, as also to remedy a number of defects found to exist in the previous law. It was in this shape that the Bill was introduced in Council, but before it was considered in select committee the general principles which were to regulate future policy were thrashed out at a conference assembled by the Minister. As it emerged from the select committee the Bill embodied the principles approved at this conference, the important changes made being as follows :—

(1) The proportion of nominated members was reduced from one-fourth to one-fifth.

(2) The franchise was extended to all persons paying Rs. 1-8-0 in municipal taxes (the qualifications for the provincial electorate is Rs. 3), and was also granted to educated women otherwise qualified.

(3) Salaried servants of Government were disqualified for elections as chairman or vice-chairman of a municipality. When however, a municipality fails to elect a chairman within a specified time the choice of the Local Government is not limited and it is possible also to exempt the municipality at its own request from the operation of this provision.

(4) The appointment of a president, in addition to a chairman, was made obligatory on all municipalities, but a municipality may be exempted by Government from this obligation.

(5) Power was given to the ratepayers to move Government to remove an elected member of the municipality of whose conduct they disapprove.

(6) The control and supervision of municipalities was transferred from the district officer and the commissioner, to the local Government. These officers still retain their right of inspection, and the district magistrate retains powers to suspend the execution of a resolution likely to cause a breach of the peace or serious injury to the public or to any class, but the power to set aside a resolution as *ultra vires* is reserved to Government. The Council, however, retained a section enabling Government to delegate its powers.

(7) The Act provides for the creation of a Local Self-Government Board, in which the majority of the members will be elected by the Legislative Council from among themselves. The Board will exercise such powers as may be delegated to it by Government.

Amendments designed to introduce the principle of the referendum, and thus give the ratepayers more direct control over the proceedings of municipalities, were discussed in Council, but rejected.

30. The Bill to amend the Local Self-Government Act was not drafted till after the conference, and generally followed the same lines as the Municipal Act. It introduced for the first time direct election to the district boards, and removed them also from the supervision and control of the local officers of Government. It went further than the Municipal Act in rendering it impossible for salaried servants of Government to hold the post of chairman or vice-chairman, even when the Board fails to elect and an appointment has to be made by Government, and in respect of the areas covered by the Backward Tract notification His Excellency has felt constrained to take exception to this provision. Officials are also debarred from voting at an election of a chairman or vice-chairman. On the other hand, amendments moved in Council reducing the proportion of nominated members from one-fourth to one-fifth, and making it obligatory on all district boards to elect a president as well as a chairman, were defeated. In place of the Local Self-Government Board provided for by the Municipal Act, a Public Health Board is to be constituted with similar functions, and its constitution is left to be settled by statutory rules.

31. The Village Administration Act provides—

(*a*) for the formation in villages of union boards charged with certain administrative powers to be exercised subject to the control of district boards in respect of schools, sanitation and certain other matters ;

(*b*) for the constitution of village panchayats with power to try petty civil and criminal cases ;

(*c*) for the transfer to the union boards of the powers and duties of the chaukidari panchayats in relation to the village police. The Bill was originally drafted on the lines recommended by a committee appointed to consider the matter in 1920, but substantial changes were made by Government before the

introduction of the Bill and in select committee. This measure affects both reserved and transferred subjects, and was in charge of a Member of the Executive Council during its passage through the Legislative Council. The most noticeable points in which the select committee or the Council modified, or attempted to modify, the Bill were the following :—

(1) a proposal to lessen the controlling powers of the district magistrate over the village police and to increase those of the union board was pressed both in the select committee and in the Council, but was finally defeated ;

(2) substantial reductions were made in the maximum rates of taxation orginally proposed, whether on account of the village police or for general purposes ; and in fact the maximum fixed by the present law in the case of the chaukidari tax, Rs. 12, was finally left unaltered. It was in recognition of Government's acquiescence in this matter that the Council left the powers of the district magistrate in chaukidari matters practically untouched ;

(3) in order to supply union boards with funds, clauses were inserted making contributions from district boards compulsory ;

(4) additions were made to the list of objects on which the union boards might spend their funds, so as to make it possible to spend money on such matters as the development of village industries and the maintenance of *tols* and *Ayurvedic* dispensaries :

(5) the powers of the panchayats, both in civil and criminal cases, were increased.

32. In all three Acts the Council took up the same attitude. On the one hand, they objected strongly to interference by the local officers of Government with the proceedings of local bodies, while on the other hand, they were not apparently prepared entirely to trust the local bodies themselves, though constituted on a representative basis, or their elected office-bearers, This tendency is exemplified by the provision requiring municipalities to elect a president, whose only statutory function is to preside at meetings, but who is presumably intended to act as a check on the chairman. They were ready to concede some control of the ratepayers, but in the main they desired that all supervising authority should be exercised from headquarters by the Minister or, preferably, by themselves. This accounts for the establishment of a Local Self-Government Board containing a majority of members of the Legislative Council, and some members apparently wished that individual members of the Board should have the right to inspect municipalities. Free use was made in debate on all occasions of the usual commonplaces about the voice of the people and the impropriety of interfering with the decisions of the popular representatives. But this attitude has not been consistently maintained and resolutions have been brought forward again and again asking the local Government to *direct* district boards and municipalities to take certain action, while many questions show a desire on the part of the interrogator to induce Government to interfere with the discretion of a local body and to decide matters of purely local interest, such as the site of a school or of a hospital. Some resolutions were disallowed on the ground that they referred to matters which were not primarily the concern of the local Government, and the President, in a ruling given on the 15th February 1923,

explained the reasons why he had disallowed questions relating to the detailed administration of municipalities and district boards, and pointing out how undesirable it was for Government or the Council to interfere in this way with local self-governing bodies.

33. Municipalities and district boards have not yet been reconstituted in accordance with the provisions of the Act described above, nor have union boards and panchayats yet been established. It is impossible to foretell how the new system may work, nor can a very definite opinion be pronounced on the effect which the Reforms have had as yet on the actual administration of local bodies. Only a few points can therefore be noticed.

(1) The transfer of local administration from official to non-official hands had already commenced before the Reforms Scheme was inaugurated, but the process has perhaps been expedited by the constitutional change. Thus non-official chairmen have been appointed to the district boards of Gaya, Shahabad, Monghyr, Purnea, Puri and Balasore, whereas this privilege had been given previously only to Patna, Cuttack and Bhagalpur. A similar change has not yet, however, been made in the district boards of the Tirhut Division, which were opposed to it, nor did Government contemplate any such action as regards the boards in the Chota Nagpur Division. In the case of municipalities, which under the old Act had the right to select either an official or non-official, some municipalities (usually small) have preferred an official chairman, and in all such cases, their opinion was accepted.

(2) A resolution was passed by the Legislative Council that the depressed classes should be represented on local bodies, and Government have endeavoured to use their power of nomination with this object, but in many cases it has been found impossible to do so.

(3) Municipal administration has in certain towns undoubtedly deteriorated during the last three years, but it would be unfair to ascribe this fact to the Reforms. Several other causes have been at work, *e.g.*, financial difficulties caused by the rise in prices, and the attacks on local bodies by non-co-operators. The important municipalities where things seem to be worst are Gaya, Bhagalpur and Monghyr, and all these bodies contain a substantial proportion of non-co-operators. On the other hand, there are signs of increased interest being taken by the ratepayers in municipal affairs. There was a larger attendance at the polls last year, and, on the whole, a better attendance at meetings. In one municipality, Darbhanga, which had been very badly administered, a new body of commissioners was returned after a general election, and new office bearers were even elected, a change which has apparently resulted in some improvement. In some towns ratepayers associations have been started, and this in itself is a healthy symptom. Of the appointment of non-official chairmen on district boards it is too early to judge, but most of the chairmen have devoted themselves energetically to their work. Speaking generally, therefore, the Reformed Council has so far mainly occupied itself with altering the machinery of Local Self-Government with the idea of eliminating official interference (the idea of the Joint Report that official guidance and advice would be wel-

comed has proved singularly contrary to fact) and broadening the basis of the franchise. It remains to be seen what the effect of this action will be.

34. *Government legislation.*—Since the beginning of 1921 sixteen Government bills have been introduced in the Legislative Council, and fourteen have been passed into law. A list of the Acts passed will be found in annexure A. Eight of them are formal and unimportant, and in their case it is necessary to supplement the brief note made against each entry in the annexure. Six of the Acts passed deserve separate mention.

35. Three important measures were passed covering the whole sphere of Local Self-Government, namely the Bihar and Orissa Municipal and Local Self-Government Acts and the Village Administration Act. The character of these measures has already been indicated in paragraphs 29—31.

36. Two Acts were passed dealing with irrigation. The Private Irrigation Works Act provides for the repair and maintenance of irrigation works that have been neglected by private owners and the regulation of the supply and distribution of water from these sources, and facilitates their construction and repair. The Minor Irrigation Works Act, 1922, makes provision for the control of the use of the irrigational resources of rivers, and the construction, improvement and upkeep of irrigation works on a smaller scale than that contemplated by the Bengal Irrigation Act, 1876. The two Acts were based on the recommendations of a committee appointed by Government to examine the whole matter, after a Council debate in the autumn session of 1920, when a particular instance of neglected irrigation was the immediate issue. Both of them—and especially the Private Irrigation Works Act—were designed to meet the conditions prevailing in South Bihar, and particularly in the Gaya district, where there are extensive irrigation works consisting of small canals (*pains*) and reservoirs (*ahars*), which draw their supplies from the numerous rivers and streams traversing the district from south to north. These systems have hitherto been maintained by the proprietors of the lands through which the canals pass, but owing to various reasons—of which the subdivision of estates and the breaking up of the larger landed interests, are the chief—many proprietors are ceasing to maintain the works, and ever since the Irrigation Commission sat in 1903 unsuccessful attempts have been made to find a solution of the difficulty. Eventually it was decided to postpone consideration of the question till the settlement of the district was completed in 1918. The present legislation is thus the outcome of many years' deliberation and enquiry. The Private Irrigation Works Act enables one co-sharer in an estate to execute the necessary repairs and recover the cost from the proprietors as a body, and similarly it permits the proprietor of one estate to repair the canal works and recover from the proprietors of the other estates interested. In the last resort the Collector can intervene, put the canals in order and recover from the whole body of proprietors. The Bill passed smoothly through the select committee, which submitted a unanimous report of approval, but at the eleventh hour the Gaya landlords took alarm that in some way the rights of the zamindars were being invaded, and a certain amount of opposition was encountered. At the meeting in August 1922, when the report of the select committee was presented, the Raja Bahadur of Amawan, who represented the Gaya landlords, was prevented from attending, and Government being anxious to avoid any imputation of pushing the measure through during the absence of its opponents, left it to the Council

to decide whether the Bill should be postponed. The Council took the sensible view that the business set down for its meeting should proceed, and accepted the motion for taking the Bill into consideration by 30 votes to 26. A number of amendments were moved on behalf of the landlords, and a few were accepted by Government with modifications, the remainder being defeated without recourse to the division lobbies. The most important of the accepted modifications was a reduction of the maximum limit of expenditure on repair work, which, the present Collector of Gaya reports, is likely to defeat appreciably the object of the measure.

37. Finally one taxation measure of some importance was passed by the Council, *viz.*, the Bihar and Orissa Court fees (Amendment) Act, 1922, which (subject to certain exceptions) raised court fees generally by about 50 per cent. The attitude of the Council to this Bill will be described in the section headed ' Financial Measures ' (*vide* paragraph 53).

38. This section of the report would be incomplete without a reference to the Bihar Tenancy Bill, which was the most important piece of legislation undertaken by the local Government in the first Reformed Council, and the most significant in its reception by that body. The Council includes in its composition half a dozen professed representatives of the raiyats. One of these, Babu Bishva Bharan Prashad (usually) known as Swami Vidyanand, who created some sensation by defeating a representative of the Darbhanga Raj, and is a prominent organizer of the *Kisan Sabha*) brought forward in the autumn session of 1921 a resolution for the appointment of a roving commission to enquire into the grievances of the raiyats throughout the province. This proposal caused some alarm amongst the zamindar members of the Council ; negotiations took place, and a modified resolution, recommending the appointment of a committee to consider what amendments were necessary in the Bengal Tenancy Act (which is still the agrarian code of Bihar), was carried unanimously. It was explained in the course of the debate that the local Government were ready to adopt this course, as a Bill on the same subject, which had been pending since 1918 and was sanctioned by the Government of India, had been withdrawn in 1920 from the last pre-Reform Council, as it was considered that the question would be dealt with more satisfactorily by the new body.

A Bihar Tenancy Committee, which was not confined to members of Council and included, in more or less equal proportions, representatives of landlords and tenants and official experts, was accordingly appointed. The committee sat in September-November 1921, and reported in December 1921. Its report, which was by no means unanimous, and was therefore submitted over the signature of its Secretary, disclosed considerable differences of opinion, in particular over the questions of the transferability of raiyati rights and the exercise of rights in trees. Eventually a Bill which followed closely the draft recommended by the majority of the committee was introduced in Council, and referred to select committee towards the end of March 1923, when it had, on the whole, a favourable reception. The select committee held several sittings in September 1922, when it appeared that the struggle would centre on the two questions already mentioned, and that the zamindar members of Council would not be satisfied though certain modifications on both these points and an important concession regarding their private lands were introduced into the Bill. The official members of the select committee were somewhat reluctantly prepared to support these with the object of conciliating the opposition of the landlord party. The select committee postponed the completion of its report in September till the following month, in order that facilities might be given for

the holding of a round table conference of landlords' and tenants' representatives under the presidency of the Maharajadhiraja of Darbhanga, the object hoped for being to attain an amicable settlement of all outstanding differences, but this attempt at compromise proved a failure, and after the conference had dissolved without achieving any result, the select committee met again and completed its report, to which all the non-official members attached notes of dissent. Neither side would yield, fearing lest a spirit of accommodation should be interpreted as readiness to surrender in the final struggle. The report of the select committee was presented in December, but consideration of the Bill was postponed till the February session. A few days after the presentation of the report His Excellency the Viceroy visited Patna, and took advantage of an address presented by the Bihar Landlords' Association to counsel a spirit of conciliation in the pending tenancy legislation. It was hoped that, between the presentation of the report of the select committee in December 1922 and the expected consideration of the Bill in February 1923, further efforts would be made to effect an amicable settlement of the points of difference, but mainly on account of the mutual suspicions of the landlords' and tenants' representatives, this hope did not materialize. The next stage was the consideration of the Bill in Council from the 6th to the 12th February 1923. Throughout this week strenous efforts were made to effect an amicable settlement, and the Council was adjourned several times for the purpose. At the conclusion of his Darbar of the 10th February 1923, His Excellency the Governor exhorted the representatives of landlords and tenants to do their best to attain a reasonable compromise, but all efforts to secure this were wrecked over the dispute regarding the landlords' right of pre-emption of a raiyati interest, and the days allotted for consideration of the Bill were exhausted before any progress had been made. A last effort was made to arrive at an amicable settlement before the close of the winter season, when the Maharajadhiraja of Darbhanga visted Patna in the second week of March 1923, and a note of the terms of a possible compromise, which the Member in charge of the Bill considered reasonable, was given to him in order that he might consult his brother zamindars. Several meetings of zamindars were held to consider the question, but the feeling was against acceptance of the terms suggested, and at a last informal meeting held at Government House on the 14th March 1923, under the presidency of His Excellency, which was attended by the Maharajadhiraja and a few selected representatives of the landlords, it became clear that no amicable settlement was likely to be effected in the course of the current session. An announcement to this effect was accordingly made in Council on the 16th March 1923, and the Bill has since been held in abeyance. A few of the moderates in the landlord party still hoped for a settlement. They were told that Government would not be prepared to bring in the Bill again in the course of the coming autumn session (July, August 1923) unless they were strongly pressed to do so, and received a firm assurance that the Bill would be passed in a form which appeared reasonable to Government and was generally acceptable to both parties. Government were not willing to have a heated controversy in Council regarding the agrarian question on the eve of the next election. No further overtures have since been made to Government, and it may now be taken as settled that the Bill will die a natural death with the expiry of the present Council.

39. Looking back, it may be said that the Bihar Tenancy Bill was the only really contentious subject, affecting large class interests, which occupied the attention of the present Council, or of which echoes reached the public outside the Council. Hopes of compromise fluctuated from time to time, but were ultimately baffled. Throughout the proceedings and

negotiations Government made it clear to both parties that their sole object was to reconcile differences, and it was recognized throughout that the only hope of settlement lay in Government mediation.

40. One small measure—the Chota Nagpur Amendment Bill—was withdrawn after introduction, but this is a matter of minor importance. The Bill was intended to modify certain provisions in the Chota Nagpur Tenancy Amendment Act of 1920, relating to the jurisdiction of the revenue and civil courts, respectively, in disputes affecting rights in trees and forest produce. It was found by the select committee that the Bill introduced in the last winter session did not cover the whole case, and a revised Bill has been introduced in the present autumn session. It is not expected that there will be any serious difference of opinion over the questions involved, and it may be anticipated that the Bill will pass without serious opposition.

41. *Private legislation.*—No non-official member has yet introduced a Bill in the Legislative Council, but a very small Bill to amend the Bihar and Orissa Food Adulteration Act, 1919, by the inclusion of drugs, is likely to be brought forward by a non-official member during the next session.

42. *Financial business—Budgets.*—Since January 1921, three budgets have successfully run the gauntlet of the Council. Annexure B contains a statement showing the number of motions of which notice was given for the reduction of items in these budgets, together with the fate that befell them, while annexures C and D give the details of the motions which were carried against the opposition of Government, or defeated after a division.

43. An examination of these statements shows that the Police Department was the favourite object of attack, and that attempts were made not only to eliminate particular items but to secure large lump reductions in the demand as a whole. Government, however, sustained only three defeats under this head. The provision of a railway saloon for the Superintendent of Police, East Indian Railway, was defeated by 14 votes in 1921, but carried by 6 votes two years later. In 1922 the provision for additional police was reduced by Rs. 25,000, as a protest against the application of section 15 of the Indian Police Act to certain districts, but it is significant that the same Council passed a vote of Rs. 50,000 for a temporary increase of the armed police forces of the province to meet the menace of the non-co-operation movement. In 1923, although large cuts in the police budget were moved, none of them were successful, and the whole budget went through as it stood with the exception of an unimportant item of Rs. 1,500, which as it so happened, was covered by a mistaken double entry.

44. The Forest Department is not regarded with much favour, because there is a mistaken impression amongst members of Council that it is overstaffed with Imperial officers and that its profits are not commensurate with its expenditure. This accounts for the reductions made in 1922 of Rs. 20,000 under the head "superior officers", and of Rs. 20,000 under the head "buildings." The Excise Department also was retrenched more than once, some of the members apparently labouring under the singular delusion that, if only a policy of prohibition were adopted, excise officers could be dispensed with altogether. Of the two motions carried one affected a reduction of Rs. 10,000 in the travelling allowance of excise officers, and the other necessiated the abolition of the appointment of Deputy Commissioner of Excise, a most unwise retrenchment looking to the very large financial interests involved.

45. The feeling of the Council as regards what some members style a 'bricks and mortar policy' found expression in a number of motions for cutting down the provision for buildings, two of which were successful.

In 1921 the provision of Rs. 1,08,500 for agricultural and veterinary buildings was omitted altogether, and in 1922 the demand for forest buildings was cut down by Rs. 20,000. Roads, also, were not too popular, and in 1921 a reduction of Rs. 60,000 was made in the demand of Rs. 4,30,000 for metalled roads. Unsuccessful attempts were also made to cut down the provision for canals, but these emanated usually from the Orissa members, who in this way gave vent to their dissatisfaction with the local management of the department, particularly the Orissa Coast Canal, which they hold responsible for much of the malaria in Balasore.

46. The Settlement Department seldom finds favour in the eyes of the un-official members, and a stiff fight has occurred each year over this part of the budget. In 1921 the whole provision for the Orissa revision settlement was defeated, but was carried in the following year, members being influenced by the conclusion that it was inevitable and that the sooner it was over the better. In 1922, the Sambalpur revision settlement was carried by two votes only, and in 1923, the Ranchi revision was defeated by a single vote.

47. The most remarkable debates in connection with any of the three budgets occurred in 1922 over the voted part of the provision for the High Court, when two motions were carried against Government. The first of these omitted the provision for the duty allowances of the Deputy and Assistant Registrars, and the second reduced the total vote by Rs. 1,000 with the express object of censuring the administrative work of the High Court. No concealment was made of the fact that the motive underlying the attack was resentment at the predominence of Bengalis in the ministerial establishment of the Court, and the belief that these Bengali officers (especially the Deputy and Assistant Registrars) were able to influence the Judges in the employment and promotion of their own compatriots and to the prejudice of Biharis. In the debate racial prejudice ran riot, appeals to the Council's own sense of dignity and propriety were ineffective, and reckless allegations were made, to which the Government members had not at the moment materials for a full reply. Government felt strongly that it was imperative in the public interest to expose the baselessness of the charges brought against the administration of the Court, and also desirable to give an opportunity of reconsidering a vote, which was in every way deplorable and constituted a most unfortunate precedent, and with these two objects a supplementary vote was brought forward in the same session immediately after the opening of the new financial year. On that occasion the duty allowance of the Deputy and Assistant Registrars were carried by 4 votes, but although the hollowness of the attack on the Court was fully proved, the vote of censure on the Court was re-affirmed by 7 votes.

48. The device of moving a nominal reduction in a vote in order to call attention to defects in the administration of a department, was not infrequently utilized, but was never pressed to a division except in the case of the High Court. The same means was also used occasionally, but rather ingeniously, to call attention to the insufficiency of the provision for some particular object in which the mover was interested.

49. Altogether, less than a third of the motions of which notice was given were actually moved, but at the second and third budget discussions, the closure slew about 10 per cent. of the total ; at the first budget the closure did not have to be applied. Many motions were sent in merely with the object of eliciting information about apparent discrepancies between the budget provision and the revised estimates of the current

year or the actuals of the year, and the result was a good deal of unnecessary labour for the Government members. Unquestionably, however, the frequent changes in the classification of the accounts made under the direction of the Auditor General have increased the difficulties of unofficial members in understanding a somewhat complicated system of accounting.

50. A very noticable feature of the budget discussions, though not by any means confined to them, was the poor attendance of unofficial members. The average total number taking part in a budget division was between 41 and 42, and the highest number was 57, out of a Council of 100 members. Government could muster 18 official votes (excluding the Ministers), and if it could succeed in securing 7 or 8 non-official votes it could usually carry the division. On the transferred side Ministers would have frequently found themselves in trouble without the steady support of the official members. On 8 occasions motions were carried or defeated by a single vote, and once by the casting vote of the President after a tie. It had been expected that the imminence of a general election would lead to a systematic and sustained attack on the budget of 1923-24, and in fact five or six of the non-official members formed themselves into a committee to review the whole budget, and issued a notice to all non-official members to show their power by voting for reductions, as it was their last chance in this Council. How the attack might have developed it is impossible to say, but the unexpected improvement in the financial position over the estimates possibly took the edge off it and it seemed to die down and fade when one of the two Ministers suddenly resigned. Thereafter the maximum number voting in a division was 44, and the single defeat sustained by Government was caused, after a tie, by the casting vote of the President, who considered it his duty in respect of a new item to maintain the *status quo*.

51. As might have been expected, the attacks on the budget were directed mainly on the reserved side, and except in the case of excise and roads and buildings, the transferred departments had a comparatively easy time. When the budget motion on a transferred subject was discussed at length, either some question of policy was involved, or there was some special (sometimes local) reason for desiring reduction. No concealment, indeed, was made of the fact that many unofficial members desired a reduction in the reserved expenditure in order to set funds free for the " nation building " departments. That the attack on reserved expenditure was not pressed home more fiercely is partially to be explained by the recognition of the Council that the transferred departments had been very generously treated in the allocation of funds set apart for new schemes (*vide* paragraph 8).

52. *Supplementary demands.*—Sixty-five supplementary demands were moved, and of these fifty-eight were carried without a division (annexure E). Many of these were purely formal and involved merely the transfer of funds from one major head to another, *e.g.*, because of a change in the classification of expenditure in the accounts. No demand was refused altogether, but two were carrried subject to a reduction. One of these was the supplementary demand for the High Court, referred to in paragraph 47 above, and the other was a demand of Rs. 1,13,600 under the head " stamps," put forward by the local Government at the instance of the Government of India. The Council took the view that no demand could properly be made on the provincial finances in order to affect an adjustment with the Central Government on account of expenditure incurred before the introduction of the Reforms, and reduced the vote by

Rs. 1,00,000. On the whole, the attitude of the Council towards supplementary demands has been a reasonable one, and no complaint can be made that money which was asked for has been refused. The preliminary examination of such demands by the standing committees has done much to facilitate their passage through the Council.

53. *Taxation.*—Two proposals for taxation have been placed before the Council by Government. The first was for the increase of registration fees, and effect could legally have been given to this measure without the sanction of the Council. It was thought better, however, to test the opinion of the Council in view of the simultaneous proposal for the enhancement of court fees and to secure approval at the outset. The resolution was moved by the Minister and, after he had made some slight concession in the new scale of fees, was carried by 28 votes to 5. The second taxation measure was the enhancement of court fees by about 50 per cent., which required legislation. The motion in March 1922 to refer the Bill to a select committee was carried by 24 to 14, and in August, when their report came up for consideration, a delaying motion to recirculate the Bill was defeated by 40 to 17. The Bill then went through with some amendments in favour of the poorer classes of litigants, which were offered by Government as a compromise and accepted by the opposition.

The opponents of the Court Fees Bill took the line that the province and the people were too poor to stand extra taxation, that the provincial balances were still unexhausted, and that funds could be found for education and medical relief by reductions of expenditure on the reserved side. These arguments did not prevail with the majority of the Council, and their general attitude towards the Bill was creditable. They took the view that additional taxation was necessary to balance accounts and afford some hope of expansion on the transferred side. A few months after the passing of the Bill, some members were inclined to complain that the Finance Department had taken an unnecessarily gloomy view of things, and had been guilty of under-estimating revenue and over-estimating expenditure. They argued, therefore, that their votes had been obtained under false pretences. The real fact is that the excise revenue which had suffered severely from the onslaught of the non-cooperators recovered during 1922 and 1923 in a manner which set all calculations at naught, while on the expenditure side the Public Works Department spent less than had been estimated. The necessity, however, of a permanent and stable addition to the revenues of the province is admitted by all moderate and reasonable members to be a necessary condition of progress, in the transferred departments, and particularly in the expansion of primary education and the improvement of public health.

54. While the Council has thus shown its readiness to provide money by taxation for necessary services, unquestionably it means to control to the utmost of its power the expenditure of money so raised, and the tendency to endeavour to check details, which given that the policy is acceptable, can be best judged of by the departments, has already been mentioned. There is a strong feeling in certain sections that expenditure on what may be called the security services, and especially the police, is higher than it need be and could be reduced without risk, and facts and arguments to the contrary fail to convince the opposition. The attempt to compel reductions in such expenditure have hitherto met with very little success but the attack is certain to be renewed in the next Council. The other directions in which many non-officials would like to see economies effected are the number and pay of the higher services (especially the All-India Services) and the cost of provincial

buildings. If they can secure adequate retrenchment in these matters they believe that sufficient money can be set free for the development of education and medical relief during the next few years. They will accept taxation if that is the only alternative to arrested progress, but they will not, if they can help it, allow the new money to be spent in departments whose budgets are, in their opinion, already excessive. When the Minister for Local Self-Government was appealing to the Council to remember that extra funds were required for medical relief, a member interjected the remark " Let it be earmarked for that purpose and the Council will accept it ", and in December a resolution was passed that 25 per cent. of the proceeds of increased taxation should be earmarked for the expenditure of the transferred departments. Government were unable formally to accept a proposal which is at variance with the constitutional scheme prescribed in the Devolution Rules, but it has been already shown that in the budget for 1923-24 the sums allotted to the Ministers for new expenditure were much in excess of the percentage suggested in the resolution, and the restraint displayed by the members in charge of the reserved departments was duly acknowledged.

55. One other matter may be mentioned, though it does not fall strictly under taxation. On account of the rise in the rate of interest the water rates on the Son Canals were raised by departmental order. In December 1922 a resolution was brought forward, and carried by 24 votes to 15, asking for the cancellation of the increase. In this matter the resolution had the sympathy of the Oriya members who complain of the corresponding increase in the water rates of the Orissa Canals.

56. *Resolutions.*—During each of the years 1921 and 1922 there were three sessions of the Legislative Council, and one session has so far been held in 1923. In the course of these seven sessions 46 days were allotted, wholly or in part, to non-official business, and 126 resolutions moved by unofficial members were discussed. Of these 54 were either accepted by Government or were not opposed, and 39 were defeated without a division or withdrawn. The remaining 33 were contested. Of these 15 were opposed by Government and defeated, while 18 were carried against the opposition of Government (5 without a division). In the 28 divisions the average number of members voting was 41.

57. When the Reformed Council first met no legislative project was ready for introduction, and during 1921 the larger portion of its time was naturally given up to non-official business. The Council met on 38 days, and of these 23, wholly, and 5 in part, were given up to the discussions of resolutions. By 1922 the various Bills which had been in preparation came before the Council, and naturally fewer days were available for non-official business. The Council met on 46 days, of which 11, wholly, and 3, in part, were given up to resolutions. In the winter session of 1923 the Council met on 26 days, of which 4 were given up to resolutions. In all the sessions together the Council met on 110 days, of which 38, wholly, and 8, in part, were given up to resolutions.

58. The 126 resolutions naturally covered a very wide range of subjects, and almost every branch of the administration came under review. Annexure E gives the number of resolutions carried, defeated or withdrawn, and Annexure F contains a list of the resolutions opposed by Government but carried.

A resolution usually aims at stimulating Government to greater activity in regions where it is supposed to have been guilty of lethargy, or curbing what is represented to be the excessive or unnecessary use of its powers in other spheres. The Bihar and Orissa Council has been liberal with advice tending in both directions. The Ministers have

received abundant stimulation in the fields of education and medical relief, and the Executive Council has been vigorously attacked on the score of " repression ". The resolutions falling in these three groups are in some respects the most important discussed by the Council.

59. In the medical sphere the Council at once displayed an earnest desire for the wide extension of facilities for medical relief. The very first resolution passed called upon Government to allot large grants for medical relief in rural areas, and to initiate a liberal programme for the establishment of new dispensaries so that every police station area should contain at least one dispensary. A similar resolution was also carried later in the first session. Again in 1922 a well meant, but not very wise resolution was carried demanding the provision of trained *dais* in all rural dispensaries. It has been evident throughout that no demand the Minister may make for funds in this field is likely to be refused. At the same time the Council has displayed its interest in the ancient systems of medicine, and three resolutions asking for their recognition and encouragement were moved, of which one was carried. This resolution asked that district boards and municipalities should be allowed to establish *Ayurvedic* and *Tibbi* hospitals, and called on Government to take immediate steps for the establishment of a *Tibbi* and *Ayurvedic* school.

60. In the educational field the Council showed itself no less zealous, but here it was evident that the Council not only desired rapid progress, but also substantial modifications in the existing arrangements. In the first session Government accepted a resolution for the appointment of a committee to review the whole system of primary and secondary education, and two years later Council adopted a resolution definitely committing itself to the ideal of universal free and compulsory primary education. Some of the modifications desired in the existing system are disclosed by the resolutions moved or passed abolishing the age limit for the matriculation, approving the introduction of vocational education (carried) or the opening of agricultural and artisan classes in primary schools (defeated), and recommending the substitution of an honorary for a paid Vice-Chancellor of the Patna University (carried). Finally the opposition to " bricks and mortar " displayed itself in the resolution which was carried recommending that no building regulations should be applied to primary schools. On the medical side a similar resolution advocating the abolition of type plans for charitable dispensaries was withdrawn after explanations had been given by the Inspector-General.

61. During the first session of the Council the subject of " repression " was debated twice, once on a substantive resolution and once on a motion for adjournment. The first resolution, recommending that repressive measures should not be taken against non-cooperators, was withdrawn in view of the assurances given on behalf of Government, and similarly the motion for the adjournment was dropped without a division. The subject did not again come directly before the Council until January 1922, when a resolution demanding the cancellation of the notification under the Criminal Law Amendment Act and the release of the persons convicted for contravening its terms, was carried after a debate lasting three days against the opposition of Government Feeling at that time undoubtedly ran high, and the explanations given by Government of the precautions already taken to prevent hasty or indiscriminate enforcement of the Act, and the promise of a review by a High Court Judge of all sentences inflicted in political cases, had no effect on the voting. A few days later a resolution, asking for an

undertaking that no proclamation would be issued under the Seditious Meetings Act without prior submission to the Council, was withdrawn on an assurance being given that, where feasible, Government would obtain the advice of local members before taking action.

In the same session other resolutions were moved all bearing on the same topic. One of them asked Government to issue instructions that judicial officers (and the mover made it plain that he included all magistrates in this term) should abstain from attending political meetings, and, indeed, from political activities of any kind. The objection of the resolution was to debar district officers and their subordinates from exerting themselves against non-co-operation, and it was, of course vigorously resisted by Government. It found little support and was eventually withdrawn. Still another resolution was moved demanding the appointment of a committee to enquire into the disturbed condition of the Champaran district, and this was carried against Government by 21 votes to 13. Government declined, however, to give effect to it. In the rains session of 1922 a resolution was moved asking for the cancellation of the order under section 15A of the Police Act awarding compensation to the proprietor of the Chauterwa factory which had been burnt down by a mob, but by that time feeling had subsided, and it was defeated by 28 votes to 19. Another resolution, asking for a committee to enquire into the disturbances in the Kanika estate in Orissa, was negatived without a division. It is noticeable that the majority of the Oriya members in this case spoke against the resolution.

In the winter session of 1923 the question of the Criminal Law Amendment Act came up once more. A resolution was moved demanding the immediate release of all political prisoners, and an amendment was also moved asking that the notification under the Act should be cancelled. The division on the amendment resulted in a tie, and it was defeated by the casting vote of the President. The substantive resolution was carried by 25 votes to 23, but Government did not consider that circumstances justified any wholesale measure of clemency, and declined to give effect to it.

Three other resolutions may be mentioned in this connection, though the question of repression was not directly raised. Two of them were concerned with the treatment of political prisoners in jails. The first was moved in November 1921, and asked that special treatment should be accorded to political offenders. It was sympathetically received by Government and was carried. The second was moved in August 1921, when the newspapers were full of the grievances of political prisoners, and proposed the appointment of a committee to enquire into the whole subject. It was defeated, however, by 27 votes to 20. Finally, in December 1922, a resolution was carried by 38 votes to 20 demanding that the notification declaring the Santal Parganas to be a backward tract should be cancelled. This motion was prompted not only by a desire to assimilate the system of administration in the district to that in force in the rest of the province, but also by resentment at what was once more described as "repression." The local situation in March and April 1922 had been exceedingly critical, and Government were wholly unable to accept the resolution.

62. An important group of resolutions raised points of constitutional importance. A recommendation for the reduction of the number of members in the Executive Council from 3 to 2 was carried without a division, the Government members taking no part in the debate. The salaries of Ministers came twice before the Council. In 1921 a resolution was moved for the reduction of their salaries, and a number of

amendments were also moved, each suggesting a different figure. All were defeated, however, and the salaries of Rs. 5,000 a month were eventually carried by 28 votes to 9. No member of the Government took part in the debate. In 1923 a reduction was moved when the budget was before the Council, and evetually a salary of Rs. 4,000 was voluntarily accepted by one of the Ministers on behalf of himself and his colleague. An interesting debate took place in November 1921 on the enfranchisement of women. Government remained neutral, and the resolution was eventually rejected by 31 votes to 21. Finally a resolution in favour of the amalgamation of the Oriya-speaking tracts under one administration was carried unanimously.

63. It is impossible within any reasonable compass to say much about the remaining resolutions, but a few points may be noted. Reference has been made early (*vide* paragraphs 15-17) to the frequency with which the appointment of committees was asked for, and it is needless to go into that matter again. Another tendency, which the Minister for Local Self-Government found it necessary to resist, expressed itself in proposals that Government should give binding directions to local bodies. Many of the members seemed to find it difficult to realize that the autonomy granted to local bodies is inconsistent with the issue of orders as to the manner in which a discretion vested in them should be exercised. Reference should also be made to the group of resolutions, moved for the most part by one member, with the object of remedying the alleged grievances, real or imaginary, of Muhammadans ; to the resolutions dealing with the Council itself and its proceedings, *e.g.*, that the discussions should be carried on in the vernacular (defeated), and that vernacular summaries of the proceeding should be circulated (carried—but the experiment proved a failure), and finally to the resolutions designed to accelerate the Indianization of the services, *e.g.*, the increase of listed posts and the recruitment of the higher judicial services from the Bar. Two resolutions which had for their object measures of social reform were moved and defeated, *viz.*, the prohibition of the manufacture and sale of alcoholic liquor, and the appointment of a committee to enquire into the condition of the depressed class. Another resolution recommending the abolition of *begari* (forced labour) was not opposed by Government and was carried. A question which interests many non-official members is the employment of non-officials in the management of wards estates and a resolution on this subject was accepted by Government. Another resolution which asked Government to appoint a mixed committee to enquire into the condition of the insane Maharani of Bettiah and the administration of her estate was strongly opposed by Government but was carried by a large majority. Government declined to appoint the proposed committee, being fortified in their decision by a communication from His Highness the Maharaja of Benares, who took grave objection on behalf of his family to the suggested inquisition on his kinswoman.

64. Sixteen resolutions in all were disallowed by the Governor on one or other of the four different grounds. Seven resolutions were disallowed on the ground that they were not primarily the concern of the local Government, since they related to the administration of a central subject. Four of these had reference to railways, but on three occasions, when the issue raised was essentially of a local character, resolutions about railway matters were allowed to be moved. One of these drew attention to the grievances of passengers on the Bengal and North-Western Railway, and another asked for additional facilities for pilgrims to Puri. Another resolution allowed to be moved was certainly of more

than provincial concern, for it asked the local Government to move the Government of India to appoint a committee on the question of cattle preservation. Still more doubtful was the resolution allowed to be moved in the first session asking the local Government to convey to the Secretary of State the concern of the Shias in the maintenance and welfare of the Turkish Government. The resolution might have been disallowed, both because it was not primarily the concern of the local Government and also because it touched on the relations between His Majesty's Government and a Foreign State.

Four resolutions, again, were disallowed on the ground that they related to matters within the jurisdiction of local bodies, and consequently were not primarily the concern of the local Government. Here, again, the practice was not uniform, for occasionally resolutions of this kind were allowed to be moved. Three resolutions were disallowed because they contained recommendations as to the use of powers belonging to the Governor personally. The requests made were that a non-official should be appointed as President of the Legislative Council, that at least eleven days should be allotted for non-official business, and that the Council should not meet on the first 12 days of the Arabic month of the Muharram. Finally, two resolutions were disallowed on the ground that they could not be moved without detriment to the public interest. The first of these recommended that martial law should not be declared in any area until the two standing committees of the Council had been consulted, and the second asked that for the restoration of peace and good order the proper authorities should be moved to release political prisoners and stop repressive measures at once.

65. *Questions.*—The total number of questions asked during the first seven sessions was 2,157, but after the third session a distinct falling off was noticeable. In the three winter sessions the numbers were 438, 226 and 174, respectively. The decline in numbers may be due, in part, to the fact that a Council in its third year is seldom so keen and inquisitive as a Council fresh from the excitement of the polls, but much must also be ascribed to the salutary advice given by the President at the end of the second session, when high water mark was touched with a list of 586 questions. He pointed out that 639 questions had been tabled for a session lasting only 10 days of which 41 were disallowed as contravening almost all the standing orders and rules on the subject, and 311 were admitted only after extensive alterations—amounting almost to rewriting—by the President. All of these would have been disallowed had the rules been strictly enforced. Two very assiduous members were responsible for 264 questions, of which 20 were disallowed and 141 had to be completely recast. The strain placed on the Council office and the Secretariat had become almost intolerable at the end of the session.

66. A detailed analysis of the questions cannot be attempted within any reasonable compass, and only the main features can be noticed. The pay, promotion, prospects and reorganization of the various public services accounted for 265 questions. Usually they were designed to call attention to the real or supposed grievances of individuals or classes, rather than to bring to notice any defect in the policy of Government. In the same class may be included 77 questions relating to the appointment, dismissal or suspension of individual Government servants and to the manner of filling particular posts. There were obvious objections to wire pulling of this description by Government officers, and the tendency requires to be carefully watched.

67. The questions falling under the head ' political ' numbered 254. Of these 58 related directly to the non-co-operation movement, and many others were concerned with matters arising out of it, *e.g.*, the action taken against seditious publications, the posting of additional police in disturbed areas and the treatment of political prisoners in jail. For the rest the major transferred subjects accounted for 450 questions, while other important topics were as follows : communal interests (120), distress caused by floods and other natural calamities, want of communications, etc., (111), inconveniences suffered by railway passengers (62), administration of justice (45), and tenancy and the condition of cultivators (39). Three questions relating to the Feudatory States were disallowed by the Government.

68. As the questions on the paper dwindled, the supplementaries waxed and grew, rising from 72 in the first session to 447 in the fifth, and in three sessions they outnumbered the questions on the paper. There was a curious difference of practice in this respect between the local Council and that in Bengal where supplementary questions were rare, and at times the proceedings rather resembled a cross-examination in a court of justice. The majority of the 1,536 supplementary questions were asked by 5 or 6 members and related chiefly to political matters.

69. *Miscellaneous.*—Only one amendment has been made in the standing orders, and that a formal one, to enable the official report of the Council proceedings to be published otherwise than in the Gazette.

The adjournment of the Council was moved three times. On the first occasion the object was to call attention to a Government circular to district officers regarding the action to be taken against non-co-operation. The second motion related to the increase contemplated in the pay of the village police in several districts and consequently of the local rates collected to defray the cost. The Council was by no means clear as to the meaning or effect of a motion of this kind, but in the end accepted an assurance from Government that the matter would be investigated. The third motion, which had for its object to discuss the attitude of the Imperial Government on the khilafat question and the revision of the Treaty of Sevres, was disallowed by the Government.

As regards the work done by expert members, there have been three such appointments during the life of the Reformed Council. All were members of the Indian Civil Service, and were selected for their special revenue knowledge which was of value in connection with the Bihar and Chota Nagpur Tenancy (Amendment) Bills. Occasions for such appointments are likely to continue to arise from time to time.

70. *The Councils and public opinion.*—The Bihar and Orissa Legislative Council as at present constituted may be said to represent public opinion fairly enough, in so far as there is any articulate public opinion in the province at all. The cultivating class has few representatives, but that class can hardly be said, as yet, to have attained to any sort of political consciousness, and to 999 cultivators out of a thousand the idea that the proceedings of the Legislative Council might in any way concern them would be utterly strange and incomprehensible. The landlords, on the other hand, are fully represented, and can command a majority when any question is raised affecting their interests. Except when agrarian questions are brought forward, the opinion of the unofficial members of the Council is the opinion of the intelligentsia, and reflects earnestly the views taken on public questions by lawyers and politicians. It could not be said with truth that there is any action and reaction between

opinion outside and inside the Council except to the extent that Council opinion was influenced by the attitude and policy of the non-co-operation party.

71. *Relations between members and their constituents.*—The relations between members of the Council and their constituents is not a subject which admits of prolonged discussion for, except in a few cases, no such relations seem to exist. The representative of a special constituency may have to look to his ways when any question comes up affecting its particular interests. In the towns there are a number of persons who take an interest in politics, and an urban member may have to keep in touch to some extent with the leading men in each of the towns in the group he represents. This would be done by correspondence, however, or by personal interviews. One public spirited gentleman representing a group of Municipalities made a tour round them in order to ascertain their wants, but this is a solitary case. Even in the towns the idea of addressing a political meeting, except in the immediate prospect of an election, would seldom be seriously entertained, and this is even truer of the rural constituencies, which outnumber the urban by six or seven to one. The rural member does not (with the rarest exceptions) maintain any constant relations with his constituents. The rural elector counts for little, except at election times, and then his vote is to be obtained by means which do not usually include a tour of the constituency and a series of political meetings.

If one of the objects of the Reforms Scheme is the political education of the masses, the members of the present Legislative Council have as yet signally failed to contribute towards it.

72. *Groups and parties in the Council.*—In one respect only has there been any symptom of the formation of groups or parties in the Council based on differences of opinion on public questions. As might be expected, these differences arose on an agrarian question, for the laws regulating land tenure enter more deeply into the daily life of the people, and effect more directly the most powerful interests, than any others. The introduction of the Government Bill to amend the Bengal Tenancy Act was followed by a distinct cleavage, and there appeared on the one side a zamindar party able to command a majority of the Council, and on the other a small, but keen and active raiyats' party. Both parties at once began to organize both within and without the Council, and but for the abandonment of the Bill, things might have reached a more advanced stage than they did. As it is, the parties existed within the Council only while the Bill was under discussion, and the difference never extended into the field of general politics. If in the next Council the cultivators secure a larger representation, distinct parties may come into existence tending to vote together upon all questions.

All other groups within the Council have been formed on local or communal lines. On certain points Muhammadans tend to vote together and in opposition to the Hindus. The Oriya members, again, form a distinct group, and occasionally take a line of their own, when they consider that the Bihar members have shown too little regard for their interests. The Bengali members also take up a somewhat detached attitude, and show their independence when Bihari patriotism threatens to prove inimical to their class. But all these are groups, not parties, and on the larger political issues members of all groups will vote together.

73. *Conventions of procedure.*—It can hardly be said as yet that any conventions of procedure have yet grown up as between the Legislative Council and the Executive Government and the Governor. The grounds

for the disallowance of resolutions and questions, and the procedure as regards committees, have already been discussed in earlier paragraphs, and reference has also been made to the President's ruling about questions which relate to matters within the cognizance of local bodies.

74. *Party organizations within the Council.*—While the Bill to amend the Bengal Tenancy Act was before the Council, the rudiments of a party organization began to appear. Consultations as to concerted action on either side was frequent, and steps were taken to obtain a full attendance of members. Apart from this single case no real attempt at party organization has yet been made. If members desire to ensure that a particular resolution will come on for discussion, a member will send in the same resolution for the ballot, but on each occasion arrangements have to be made specially, for the resolution is not put forward by a party. Similarly, if a committee is to be appointed by Government, the Member or Minister in charge will consult with prominent members about its constitution, but they are consulted as individuals, not as party leaders. Up to date, indeed, it may be said the matters which engage the attention of party leaders and whips have been left to the zealous but sometimes ill-regulated endeavours of enthusiastic amateurs, and as yet there are no professionals in the Council.

75. *Percentage of electors and voters.*—At the time of the general election the proportion of enfranchised persons to the total population was approximately 9 per thousand, or just under 1 per cent. The percentage of electors who recorded their votes in contested elections for the general provincial Legislative Council was 403, but whereas the percentage in rural areas was 41, the percentage in urban areas was only 26. An exactly contrary result might have seemed more probable, since the towns contain a number of persons genuinely interested in politics, and the urban voter can reach the polling station without difficulty, while the rural voter may have to make an appreciable journey. Probably the influence of the non-co-operation party did something in the towns to produce abstentions. In the rural areas, on the other hand, the voters frequently voted *en masse* under the influence of their landlords.

76. *Interest of the public in the work of the Council.*—The work of the Council excites interest amongst the towns people who read the newspapers and follow the course of politics, and in educated circles generally, but fully 95 per cent. of the electors neither know nor desire to know what is going on. In these circumstances it would be idle to enquire how far the formation of political groups or parties is reproduced in or derived from, the constituencies. It has already been explained (*vide* paragraph 72) that, apart from the landlord and tenant parties, no *political* groups or parties have yet appeared in the Council. The landlords and tenant parties in the Council clearly reproduce the division of interests which already exist in the constituencies, and apart from this there is little more to be said. The experiment of publishing vernacular summaries of the Council proceedings proved a failure, for no demand for them was shown.

77. *Party organization in the constituencies.*—Electoral organizations and party funds and machinery hardly exist as yet, even in a rudimentary form. When an election is imminent each candidate has his agents and canvassers, who tour the constituency, try to secure votes and even occasionally address meetings. But these are not party organizations. The peasant party has something of an organization in the shape of the *kisan sabhas* which have been established in various areas, but the attendance and enthusiasm displayed at these meetings sometimes exist only in the imagination of the reporter. The new *swarajya* party has set up an organization within the last month for the purpose of awakening interest in the constituencies and securing votes, and the landlords have been

stirred by the threat to their interests to begin to organize themselves in a few districts. How far these organizations may develop before the general election it is impossible to foresee.

78. *Party programmes.*—Not much can be said about party programmes, and at the 1920 elections there were none. The *kisan* party has a programme which seeks to remedy the grievances of the raiyat, amend the tenancy law in his favour and ultimately abolish the zamindar altogether. *Per contra* the landlord party has a programme (a negative one) in so far as it seeks to resist all changes in the law which would prejudice the interests of the zamindar. The swarajya party again has a programme, namely to make Government through the Legislative Council impossible, and in order to secure the election of its candidates it appeals to the peasant and the working man. But beyond that there is little to report. The moderates have neither formed themselves into a party nor have they formed definite political groups, and the common bond between them is a readiness to criticise the executive acts of the reserved side, to press for the Indianization of the services, and to secure more funds for education, medical and public health. At a meeting recently held in Patna a national conference party to support the ideas originating with Mrs. Besant was formally established, but whether this party will come to any thing is still uncertain.

79. *Influence of the press on politics and public opinion.*—The press certainly exerts an influence over politics and public opinion, though perhaps it is more accurate to say that the press and the Legislative Council alike reflect the varying shades of opinion of the provincial intelligentsia. The *Express* is the organ of the landlords ; the position of the *Searchlight* is sometimes with the left wing of the moderates and sometimes with the extremists, while the *Bihar Herald* again represents the interests of the Bengalis. These English newspapers have their vernacular counterparts, but none of them (English or vernacular) has a circulation of more than 4,200. The provincial press, as such, is therefore extraordinarily weak, but the Indian-owned Calcutta papers circulate to some extent, and affect opinion in their various ways. Doubtless owing to the old connection of the province with Bengal, they devote, too, a certain amount of space to local affairs here.

80. *The general political atmosphere during the currency of the Reforms.*—It would clearly be impossible to give anything like a detailed history of the proceedings of the non-co-operation and *khilafat* parties and the measures taken to curb their activities, and only a general review of the course of events can be attempted. It will not be necessary, moreover, to try to distinguish the special part played by the *khilafat* party which in this province has always been subsidiary. At certain periods Muhammadan feeling has risen high and an outbreak of religious fanaticism has seemed imminent, but the immediate result has generally been a severe strain on the harmony of the two communities. In Orissa and Chota Nagpur the Muhammadan element is negligible, and in the other three divisions (even in Patna where it is strongest) it is greatly outnumbered by the Hindu.

81. The two an da half years which have elapsed since the Reforms were inaugurated fall naturally into four periods.

The first lasted for three months, from the middle of January till the middle of April 1921, and was a period of great strain and anxiety. It then became evident for the first time that the non-co-operation party had

obtained a real hold on the rural population in many districts and two other significant symptoms were the extension of the movement to Orissa and the attempts made to excite the aboriginal peoples of Chota Nagpur. Racial feeling ran high, unrest was rife in the industrial world, and there was much discontent amongst the police, though this was due to economic and not to political causes. Grave disturbances of the public peace took place, of which the most serious were the outbreak of *hat*-looting in the Tirhut Division in January, and the attack on the sub-jail and police-station of Giridih early in April. Other outbreaks of the same kind were narrowly averted, and the non-co-operators, to promote their ends, resorted freely to the weapons of picketting, intimidation and social boycott.

82. The next six months, up to the middle of October, marked a lull in the storm. There can be little doubt that from the point of view of the leaders of the non-cooperation party, the threatened outbreak in the early months of 1921 was premature, for they were not yet in a position to utilize for their own ends the popular excitement that had been generated. Their organization was far from complete, and they had still much to do before they could proceed with their programme. The genuine supporters of non-violent non-cooperation were well aware that, unless they were thoroughly organized, they would be unable to control their supporters, or to prevent the occurrence of outrages which would thoroughly discredit the movement. The party inclined to violence were in equal difficulties, for they had accepted the non-violent programme and had no alternative plans ready of their own. The responsible leaders, therefore, exerted themselves for the moment rather to curb than to excite popular feeling, and the next six months was a period of marking time, during which attention was concentrated on the enlistment of volunteers, the formation of committees in each district and police-station, and the collection of funds.

83. The third period lasted for six months, from the middle of October of 1921 till the middle of April 1922, though in one sense the arrest of Mr. Gandhi in March marks the definite failure of the campaign. This was the real attack, with the threat of organized civil disobedience looming in the immediate future, and the whole structure of Government endangered. As on the former occasion, the first outbreak occurred in Tirhut, and with very little preliminary warning. At the beginning of November the Chauterwa factory in Champaran was burnt down and looted in broad day light by a mob of 5,000 persons. For the next three or four months, the division was gravely disturbed, the parts most deeply infected by the spirit of disorder being the Bettiah subdivision of Champaran, the Sitamarhi subdivision of Muzaffarpur and certain parts of the Saran district. Defiance of authority was common, police-stations were attacked and threatened, Europeans were frequently assaulted and insulted, and Government servants subjected to pressure of every kind to induce them to resign their appointments. In order to restore respect for authority, Government were compelled to send military police to the Division, to obtain the assistance of regular troops from the military authorities, and to appoint large bodies of additional police, the cost of which was recovered from the inhabitants of the disturbed areas. During November similar symptoms had appeared in many other districts, and on the 17th of that month the *hartal* to mark the arrival of His Royal Highness the Prince of Wales in India was generally successful throughout the province. In the first half of December non-co-operation activities were concentrated on preparations for the

inauguration of the civil disobedience movement in selected areas of the Tirhut Division, and for an effective *hartal* at Patna on the occasion of His Royal Highness' visit to that city, and the Local Government decided that the time had come for exceptional measures. On the 10th of December a notification was published under the Criminal Law Amendment Act declaring certain associations to be unlawful, a step which was followed by house-searches at all district headquarters, the seizure of non-cooperation papers and the arrest of a large number of volunteers. It had been hoped that moderate support for this measure would to some extent have been forthcoming, especially at Patna itself, which was being throttled by the *hartal* organizers, but this expectation was falsified. A deputation of moderates immediately waited upon the Government and asked that the notification should be cancelled. Government considered that some concession was necessary in order to prevent a complete fiasco on the occasion of the Prince's visit, and gave an undertaking that further proceedings would not be taken under the notification without their previous approval. This concession relieved the immediate tension, and secured the full cooperation of the better classes in the ceremonies and functions of the Royal visit, but it did not prevent the *hartal* in the city on the first day and the crowd of spectators on the Bankipur maidan was much smaller than it otherwise would have been, while public conveyances were hardly obtainable. There was no *hartal* on the second day, when the crowds also were larger. While the concession thus, at least partially, served its purpose at Patna, the modification of the orders passed only ten days before produced an unfortunate effect, not unforeseen, in the mufassal where it was interpreted as evidence of weakness. The primary object, however, of the notification had been achieved, valuable information had been secured, leaders had been arrested, and the weapon of the Act was held *in terrorem* over members of the associations, with the effect that their activities became much reduced, if not suspended. District officers in the aboriginal districts were left a free hand, and the Act was applied with vigour in the Santal Parganas, Palamau and Manbhum, and later in the Orissa districts.

In the early months of 1922 the Tirhut Division continued to be disturbed, but the measures taken gradually produced their effect, and the situation steadily improved. At this time the position was complicated by the strike on the East Indian Railway, which locked up practically the whole resources of the Local Government in the shape of armed and military police. This might have proved dangerous, for energetic attempts were now being made to enlist the aboriginals in support of the non-co-operation movement, especially in the Hazaribagh and Palamau districts of Chota Nagpur and in the Santal Parganas. In the latter district an aboriginal rising was narrowly averted by the courage and decision of the district officer. Orissa was comparatively quiet till the spring of 1922, but the leaders were organizing widely, and a series of fires in Cuttack started in March a panic which spread to other parts of the Division and led to attacks on the rural police. The final outbreak occurred in the Kanika estate in Orissa, where a large *meli* (mass gathering) organized under the auspices of the non-co-operators, led to some violent disturbances. It was found necessary to appoint additional police in this area, while action was taken about this time with good effect against the principal Oriya leaders under the Criminal Law Amendment Act.

84. The fourth period commences in the middle of April 1922, and has continued up till now. Excitement has gradually died down, and every

form of agitation has become less and less effective. During 1922 the conviction evidently strengthened in the minds of a section of the non-cooperators themselves that the decision to boycott the Councils had been a mistake, and that a radical change of programme was called for. This feeling came to a head at the Gaya congress in December, when the Council entry and no-change, parties came to grips, and the former was defeated. The majority party, however, failed completely during the next three months to carry out their programme of collecting subscriptions and enlisting volunteers in order to resume civil disobedience in May. The sequel was the recent meeting of the All-India congress committee at Bombay, where the *swarajya* party won at any rate a partial victory, and passed a resolution suspending the propaganda against Council-entry which had been approved at the Gaya congress. Since then there has been another committee meeting at Nagpur, with more dissensions, and apparently a special session of congress is to be convened. It is impossible to write these manœuvres up to date, as they shift daily.

85. At the present moment non-cooperation in Bihar and Orissa, as hitherto understood, is moribund, but whether any resurrection awaits it, no one can say. At the Gaya Congress practically all the representatives of Bihar voted with the majority or no change party, but a swing over in the opposite direction is by no means impossible, or even unlikely. On the other hand, the recognized leader of the non-cooperators in the province, Babu Rajendra Prashad, is staunch in his adherence to the original programme as laid down by Mr. Gandhi, and apparently he still retains his influence over the majority of the party. He will certainly not permit, if he can help it, the congress organization to be used by those who are striving to enter the Councils. In that case the prospects of the *swarjya* party at the elections are not bright. There is a great lack in their ranks of prominent or influential men, and they did not even begin to organize until the first days of June. No attempt has been made by them (or indeed by any other party) to take special steps in order to secure the registration of voters. It may be that action of this kind will be taken after the draft publication of the rolls, but at present, there are no signs of such a development. In these circumstances it is impossible to predict whether the general election in the autumn will produce any great changes, or whether the second Reformed Council will differ much from the first.

86. It is obvious that the refusal of many influential politicians to enter the Council and the organization of a party with the declared object of overthrowing the whole system of Government have deeply affected the working of the Reformed constitution. Parties do not exist within the Council because one of the two parties which do exist is outside the Council. For good or for evil this fact cannot but have important results. It goes far to explain the attitude of the Legislative Council when questions of law and order come under discussion, and the way in which the Council reacts to the feeling prevailing out of doors. The mood of the Council, indeed constantly varies as the tension in the political atmosphere increases or diminishes. When popular excitement has been stirred and the non-co-operators have taken the field with vigour, Government may expect that constant attempts will be made within the Council to misrepresent the action taken and to throw obloquy upon its officers, and resolutions may be anticipated directly attacking the measures adopted in the interests of the public security. If, on the other hand, things are comparatively quiet and

the steps taken to restore order proved effective, the Council also is quiescent and the tone of the debates drops to a lower key. In this respect the Council is extraordinarily responsive to public opinion.

On the other hand, the absence of a party which will deliberately adopt a wrecking policy has had this great advantage that it has given the Reforms a chance, though in assessing the working of the Reforms hitherto the fact that this party was absent and may in the future present itself, should never be forgotten. However, had " wanton obstruction " been advocated and practised from the outset, even by a section of the Council, intense friction must have been engendered, and the task of Government would have been rendered extremely difficult. As it is, the practical value of the Reforms as a path to progress has been demonstrated by actual fact, and the task of their depreciators correspondingly rendered more difficult. Equally a number of members have gained experience of the actual working of Government which they never possessed before, and will be in a stronger position to exercise a restraining influence should the menace of organized obstruction materialize. But that it may materialize is the unsolved question overshadowing the second period of the Reformed era, and any experience gained during the first three years might prove a failure as a guide to the probabilities of the second.

87. The attitude of the Council on the whole question of law and order has been disappointing. It is natural enough that the Indian politician should regard the non-cooperators and their leaders very differently from the European official. Many of them may have been his personal friends or colleagues, with whom he had worked in other days for political objects. The goal they seek to attain is that on which his own hopes are set, and he differs from them, not as to the ends but as to the means of their accomplishment. He has accustomed himself, moreover, to constant condemnation of ' repressive ' action by Government, and the familiar shibboleths come easily to his lips. Every allowance must be made for considerations of this kind. But when that is done, enough remains to give cause for anxiety as to the future. The more sober and responsible leaders have not been backward in condemning many features of the non-cooperation campaign, but when it is no longer a question of words but of action, Government cannot count upon their unqualified support. Even those who were seriously alarmed by the events of 1921-22, and censured most strongly the attack on the framework of Government, shrank from voting in the Government lobby on such a matter as the notification under the Criminal Law Amendment Act. That it required some courage to do so may be admitted, for the social forces enlisted on the side of non-cooperation were formidable, and the man who openly took his stand with Government could expect little mercy.

There are, however, deeper causes at work than those mentioned above. There is an honest difference of opinion between European and Indian as to the necessity or wisdom of what are known as ' repressive measures '. To the Indian they are still essentially measures directed against his countrymen, by the European, and he has accustomed himself to think that the strong arm of the law is needlessly invoked, and that the most excited mob can be calmed and soothed by persuasive methods. He has still to learn that influence is not Government, nor does he realize that the Executive Government is no longer solely responsible for law and order, but that the Legislative Council must take a share of the burden.

88. Something should be said in conclusion of the various lines of attack adopted by the non-cooperation party in their efforts to make Government impossible. One of the earliest was the attack on schools and colleges. It met with a certain amount of success at the outset, but this success was shortlived. It was not long before repentant pupils began to return to the Government institutions, and the difficulty of financing the national schools and colleges was found to be very great. From April 1921 onwards both the number of these institutions and of the pupils attending them has steadily dwindled, and is now nearing the point of extinction. The attack on the law courts has been equally unsuccessful ; not many lawyers were found willing to abandon their practice, and of those who did so, the majority have since resumed it. The local arbitration courts also which were established as rivals to the Government courts very rapidly lost the confidence of the raiyats, who soon discovered that these bodies had other ends in view than the impartial administration of justice. The attempt to induce Government servants to resign at no time met with success. In 1921 and 1922 a few officers gave up their posts, but there was never any probability that their example would be largely followed.

In the temperance campaign, which was carried on vigoriously during 1921, a certain amount of success was undoubtedly obtained, and the excise revenue suffered materially both in that year and in the early months of 1922. Intimidation and picketting were freely resorted to in order to prevent customers from entering the shops, but the hollowness of the temperance cry was soon obvious, for the direct result of the campaign in several districts, especially Hazaribagh, was an immense increase in illicit distillation, and it was discovered that the non-cooperators had freely preached that, when *swaraj* was obtained, every body would be at liberty to distil as much liquor as he pleased. The attack on foreign cloth was less successful. Something was done to popularize *khaddar*, and obstruction in the way of intimidation and picketting impeded the sale of foreign cloth, but the results were by no means commensurate with the energy expended. The organization of district and thana committees and the enlistment of volunteers was vigorously pushed in 1921, and a rather formidable organization was created. The measures taken under the Criminal Law Amendment Act, however, proved effective, and the organization has now lost most of its power.

89. Something should be said of the amount of success attained by non-cooperators in their efforts to obtain control of local bodies. They have succeeded in doing this not only where they have secured an absolute majority in the local body, but also where they have elected a strong minority prepared to attend meetings regularly, for this often suffices to give them a practical working majority. This has occurred both at Gaya and at Bhagalpur, and the administration of municipal affairs in both places under these auspices has been corrupt and inefficient. The only District Board in which the non-cooperators have attained direct control is that of Monghyr, and they have done so owing to the irregular attendance of the other members. Here also the result has been maladministration. The other local bodies which have fallen into the hands of the non-cooperators are the local boards of Bihar (Patna district), Aurangabad (Gaya), Beguserai (Monghyr) and Gopalganj (Saran), and the municipalities of Bihar (Patna), Purulia (Manbhum), Bettiah (Champaran) and Samastipur (Darbhanga). It is significant, however, that

none of these bodies has yet taken up a hostile attitude to Government or refused to cooperate with the local officers in municipal administration. Thus, for example, the Collector of Darbhanga writes that in Samastipur, where the non-cooperators have obtained complete control of the municipality (the chairman, vice-chairman and practically all the commissioners being non-co-operators), the efficiency of the municipality has not so far suffered, and the relations of the municipal authorities and the officers of Government continue to be good. Similarly the Collector of Shahabad writes that the vice-chairman of the district board is a non-co-operator and chairman of both the *khilafat* committee and the Arrah congress committee, but his activities on the district board have not up to date been obstructive but rather the opposite, and he describes him as a hardworking, upright, energetic vice-chairman for whom he entertains much respect. In the Arrah municipality the non-cooperators have six members out of 18, and have succeeded by a policy of obstruction in making the administration of the municipality extremely uncomfortable. A few months ago when the chairmanship fell vacant, the non-cooperators by a clever manœuvre got one of their party elected as chairman, but the Collector notes that the new chairman is apparently developing a sense of responsibility and seems prepared to work with the authorities rather than against them.

So far, therefore, where the non-cooperators have captured local bodies, they have not lived up to their name, for they do not non-cooperate. It is quite possible, of course, that, if there were a revival of non-cooperation and the control of a larger number of local bodies were captured, a different line might be taken. Present experience, however, is that when a local body falls into the hands of non-cooperators the administration is apt, with exceptions, to become inefficient and corrupt, but the local body does not necessarily set before itself the definite objective of a struggle with the Local Government. Experience, however, is far too short to justify confident prophecy, the more so as new district boards and municipalities will shortly be elected on a different and widely extended franchise.

90. This concludes a somewhat cursory summary of recent events, though even that has run to considerable length. It is hoped, however, that it has at least touched upon all incidents of major importance, and will convey an accurate picture of the happenings of the last three years.

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## ANNEXURE A.

*List of the Acts passed by the Bihar and Orissa Legislative Council passed since 1st January 1921.*

| | |
|---|---|
| 1. The Bihar and Orissa Legislative Council Deputy President's Salary Act, 1921, (B. & O. I. of 1921). | Provides for the payment of an annual salary of Rs. 3,000 to the Deputy President of the Legislative Council. |
| 2. The Jharia Water-Supply (Amendment) Act, 1921 (B. & O. II of 1921). | Provides for filling casual vacancies in the Water Board and correcting other minor defects in the principal Act. |
| 3. The Patna University (Amendment) Act, 1921 (B. & O. I of 1922). | Provides for certain formal changes in the principal Act, rendered necessary by the reformed constitution. |

| | |
|---|---|
| 4. The Bihar and Orissa Court Fees (Amendment) Act, 1922 (B. & O. II of 1922). | A taxation measures, designed to effect a substantial enhancement in the scale of Court-Fees. |
| 5. The Bihar and Orissa Village Administration Act, 1922 (B. & O. III of 1922). | An important Act to provide for the establishment of a system of village government by the creation of union boards for the performance of administrative functions and of panchayats for the trial of petty civil and criminal cases. |
| 6. The Bihar & Orissa Civil Courts (Amendment) Act, 1922 (B. & O. IV of 1922). | Provides for a small change in the Bengal, Agra and Assam Civil Courts Act, 1887. |
| 7. The Bihar and Orissa Private Irrigation Works Act, 1922 (B. & O. V of 1922). | Provides for the repair and maintenance of private irrigation works which the owners are unwilling or unable to maintain. |
| 8. The Bihar and Orissa Minor Irrigation Works Act, 1922 (B. & O. VI of 1922). | Provides for the control of the irrigational resources of rivers and for the construction, improvement and maintenance by Government of irrigation works on a smaller scale than that contemplated by the provisions of the Bengal Irrigation Act, 1876. |
| 9. The Bihar and Orissa Municipal Act, 1922 (B. & O. VII of 1922). | An Act to consolidate and amend the whole of the law relating to municipalities in the province, and to introduce certain important changes of system. |
| 10. The Chota Nagpur Encumbered Estates (Amendment) Act, 1922 (B. & O. VIII of 1922). | Provides for certain minor amendments in the principal Act which experience had shown to be necessary. |
| 11. The Bihar and Orissa Medical (Amendment) Act, 1922 (B. & O. IX of 1922). | Provides for certain minor changes in the principal Act. |
| 12. The Bihar and Orissa Local Self-Government (Amendment) Act, 1923 (B. & O. I of 1923). | An Act to provide for certain important changes in the law relating to district and local boards. |
| 13. The Patna University (Amendment) Act, 1923 (B. & O. II of 1923). | Provides for a minor amendment in the principal Act. |
| 14. The Jharia Water-Supply (Amendment) Act, 1923 (B. & O. III of 1923). | Provides for a minor amendment in the principal Act. |

## ANNEXURE B.

*Budget motions.*

| — | 1st Session. | 4th Session. | 7th Session. | Total. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| (*a*) Number of motions for the reduction of omission of votes of which notice was given. | 142 | 406 | 312 | 860 |
| (*b*) Number of motions for the reduction or omission of votes actually moved. | 55 | 132 | 82 | 269 |
| (*c*) Number opposed by Government but carried. | 10 | 6 | 3 | 19 |
| (*d*) Number opposed by Government and defeated after a division. | 7 | 12 | 14 | 33 |
| (*e*) Number opposed by Government and defeated without a division, or withdrawn. | 36 | 100 | 57 | 193 |
| (*f*) Number accepted by Government or withdrawn on promise that reduction would be made. | 2 | 14 | 8 | 24 |

The figures against (*e*) include motions in respect of which Government agreed to effect smaller reductions than those moved.

## ANNEXURE C.

*List of budget motions opposed by Government but carried.*

| Serial no. | Reference to date and page of Council proceedings. | Budget motions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 8th March 1921—(Vol. I, no. 7, page 352). | Reduction by Rs. 30,000 of the item of Rs. 13,21,200 for "Deputy Magistrates and Deputy Collectors" under the head 5-Land Revenue. | 33 | 24 | |
| 2 | Do. page 364 | Omission of the provision of Rs. 93,445 for "Establishment of Settlement and Assistant Settlement Officers" for the Orissa revision settlement. | .. | .. | |
| 3 | Do. page 375 | Omission of the provision of Rs. 93,933 for "Contingencies" in connection with the Orissa revision settlement. | .. | .. | No division. |
| 4 | Do. page 385 | Reduction by Rs. 10,000 of the item of Rs. 1,66,796 for "Travelling allowance" of Excise officers. | 31 | 23 | |
| 5 | 9th March 1921—(Vol. I, no. 8, page 414). | Reduction by Rs. 5,000 of the item of Rs. 64,038 for "head warders" and "warders of jails." | 24 | 20 | |

ANNEXURE C—*contd.*

| Serial no. | Reference to date and page of Council proceedings. | Budget motions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 6 | 9th March 1921—(Vol. I, no. 8, page 426). | Omission of item of Rs. 19,718 for "Lump provision for a saloon for Superintendent of Police, E. I. Railway." | 33 | 19 | |
| 7 | 10th March 1921—(Vol. I, no. 9, page 448). | Reduction by Rs. 10,000 of the provision of Rs. 25,000 for "Experimental Sanitary Survey." | 27 | 25 | |
| 8 | 10th March 1921—(Vol. I, no. 9, page 466). | Reduction by Rs. 60,000 of the item of Rs. 4,30,000 for "Metalled roads." | .. | .. | No division. |
| 9 | 12th March 1921—(Vol. I, no. 11, page 535). | Omission of the provision of Rs. 1,08,500 for "Agricultural and Veterinary buildings." | .. | .. | No division. |
| 10 | 14th March 1921—(Vol. I, no. 12, page 578). | Reduction by Rs. 20,00,000 of the item of Rs. 34,05,000 for "Loans to municipalities, district or local boards and other local authorities." | 24 | 23 | |
| 11 | 3rd March 1922—(Vol. IV, no. 14, page 891). | Omission of the item of Rs. 5,000 for "Other Miscellaneous Contingencies" under "5-Land Revenue." | 26 | 16 | |
| 12 | 4th March 1922—(Vol. IV, no. 15, page 975). | Reduction by Rs. 20,000 of the item of Rs. 84,550 for "Building" under "8-Forests." | 20 | 17 | |
| 13 | Do. page 985 | Reduction by Rs. 20,000 of the item of Rs. 81,680 for "Superior Officers" under "8-Forests." | 22 | 16 | |
| 14 | 7th March 1922—(Vol. IV, no. 17, page 1079). | Omission of the item of Rs. 3,000 for "Duty allowance" of the Deputy Registrar and Assistant Registrar, Patna High Court. | 17 | 12 | |
| 15 | Do. page 1086 | Reduction by Rs. 1,000 of the provision of Rs. 3,30,081 for "High Court". | 27 | 15 | |
| 16 | 8th March 1922—(Vol. IV. no. 18, page 1170). | Reduction by Rs. 25,000 of the item of Rs. 76,180 for "Additional police in Bhagalpur and other districts." | 20 | 15 | |
| 17 | 6th March 1923—(Vol. VII, no. 15, page 837). | Omission of the provision of Rs. 84,063 for "Ranchi revision settlement operations." | 25 | 24 | |
| 18 | 6th March 1923—(Vol. VII, no. 15, page 861). | Omission of the item of Rs. 13,100 for "Deputy Commissioner of Excise." | 29 | 23 | |
| 19 | 10th March 1923—(Vol. VII, no. 19, page 1133). | Reduction by Rs. 1,500 of the item of Rs. 8,040 for "Executive Subordinate" under "26-Police." | 22 | 21 | The President gave a casting vote. |

## ANNEXURE D.

*List of budget motions opposed by the Government and defeated after a division.*

| Serial No. | Reference to date and page of Council proceedings. | Budget motions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes. | Nos. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 8th March 1921—(Vol. I, no. 7, page 378). | Omission of the item of Rs. 54,000 for "Lump provision for revision settlement under "Maintenance of land records in the Sambalpur district." | 27 | 29 | |
| 2 | 9th March 1921—(Vol. I, no. 8, page 398). | Reduction by Rs. 40,000 of the item of Rs. 71,600 for buildings of the Forest Department. | 12 | 37 | |
| 3 | Do. page 419 | Reduction by Rs. 10,000 of the item of Rs. 1,72,000 for "Petty Construction" under the head "26-Police" | 24 | 25 | |
| 4 | 11th March 1921—Vol. I, no. 10, page 496). | Omission of the provision for circuit houses at Patna and Gaya. | 26 | 30 | |
| 5 | 12th March 1921—(Vol. I, no. 11, page 520). | Omission of the provision for "Buildings for agricultural farms" at Saharsa, Jamui and Nawada. | 28 | 29 | |
| 6 | Do. page 544 | Omission of the provision of Rs. 30,490 for the "Orissa Coast Canal." | 25 | 26 | |
| 7 | Do. page 551 | Omission of the provision of Rs. 33,000 for "Publicity Board." | 14 | 32 | |
| 8 | 3rd March 1922—(Vol. IV, no. 14, page 896). | Reduction by Rs. 40,000 of the provision of Rs. 86,200 for "Total kanungo establishment." | 13 | 26 | |
| 9 | 3rd March 1922—(Vol. IV, no. 14, page 919). | Omission of the provision of Rs. 2,02,250 for "Revision Settlement Operations, Orissa." | 20 | 26 | |
| 10 | 4th March 1922—(Vol. IV, no. 15, page 944). | Omission of the provision of Rs. 1,200 for "Local allowance for the Personal Assistant to the Director of Land Records and Surveys." | 13 | 19 | |
| 11 | Do. page 967 | Reduction by Rs. 50,000 of the item of Rs. 2,02,401 for "Allowances" under the head "6-Excise." | 3 | 21 | |
| 12 | 4th March 1922—(Vol. IV, no. 15, page 995). | Omission of the item of Rs. 10,000 for "Lump provision for revision of Provincial Service." | 17 | 21 | |

## ANNEXURE D—*contd.*

| Serial no. | Reference to date and page of Council proceedings. | Budget motions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 13 | 6th March 1922—(Vol. IV, no. 16, page 1012). | Reduction by Rs. 2,00,000 of the demand under the head "Irrigation, Navigation, Embankment and Drainage Works—Working Expenses." | 16 | 17 | |
| 14 | 6th March 1922—(Vol. IV, no. 16, page 1031). | Omission of the item of Rs. 13,700 for "Raising the cost of the Birupa weir and closing the crest shutters." | 11 | 15 | |
| 15 | Do. page 1070 | Omission of the item of Rs. 17,438 for "Purchase of tents" under the head "22-General Administration." | .. | .. | A division was taken by a show of hands, but the figures have not been recorded. |
| 16 | 8th March 1922—(Vol. IV, no. 18, page 1153). | Reduction by Rs. 40,000 of the item of Rs. 15,40,260 for "Executive Subordinates." | 12 | 16 | |
| 17 | 8th March 1922—(Vol. IV, no. 18, page 1161). | Omission of the item of Rs. 50,000 for "Lump provision for increase of armed police." | 13 | 20 | |
| 18 | 9th March 1922—(Vol. IV, no. 19, page 1250). | Omission of the provision of Rs. 6,000 for "Physical Education." | 11 | 19 | |
| 19 | 11th March 1922—(Vol. IV, no. 21, page 1455). | Omission of the provision of Rs. 33,000 for "Publicity Bureau." | 11 | 17 | |
| 20 | 6th March 1923—(Vol. VII, no. 15, page 848). | Reduction by Rs. 3,15,937 of the provision of Rs. 12,97,588 for "Land Revenue Survey and Settlement." | 26 | 30 | |
| 21 | 6th March 1923—(Vol. VII, no. 15, page 884). | Reduction by Rs. 50,000 of the provision of Rs. 8,82,600 for "District Executive Establishment" under "6-Excise." | 14 | 29 | |
| 22 | 7th March 1923—(Vol. VII, no. 16, page 906). | Omission of the provision of Rs. 10,200 for "Orissa canals new works." | 23 | 24 | |
| 23 | Do. page 928 | Omission of the item of Rs. 4,000 for "Constructing the Sundarpur minor distributary from the Jajpur Canal." | 18 | 22 | |
| 24 | 9th March 1923—(Vol. VII, no. 18, page 1049). | Reduction by Rs. 100 of the item of Rs. 4,29,770 for "Dietary charges" under the head "25-Jails and convict settlement." | 21 | 23 | |

## ANNEXURE D—*concld.*

| Serial No. | Reference to date and page of Council proceedings. | Budget motions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 25 | 10th March 1923—(Vol. VII, no. 19, page 1105). | Omission of the item of Rs. 9,114 for "Lump provision for increase of armed police." | 13 | 22 | |
| 26 | Do. page 1129 | Reduction by Rs. 1,600 of the item of Rs. 8,040 for "Executive Subordinates" under "26-Police." | 19 | 20 | |
| 27 | Do. page 1134 | Omission of the item of Rs. 3,100 for "Lump provision for a mounted sergeant." | 16 | 21 | |
| 28 | Do. page 1138 | Omission of the item of Rs. 19,700 for "Provision for a saloon for the Superintendent of Police, E. I. Railway." | 19 | 25 | |
| 29 | 12th March 1923—(Vol. VII, no. 20, page 1154). | Reduction by Rs. 5,00,000 of the demand under "26-Police." | 18 | 24 | |
| 30 | 13th March 1923—(Vol. VII, no. 21, page 1249). | Reduction by Rs. 100 of the demand under "32-Medical." | 11 | 19 | |
| 31 | 14th March 1923—(Vol. VII, no. 22, page 1291). | Omission of the provision of Rs. 6,000 for "Residence for the Sub-divisional Officer, Kendrapara." | *Nil* | 27 | |
| 32 | Do. page 1304 | Reduction by Rs. 4,38,000 of the demand of Rs. 15,77,400 for "Original Works—Buildings (Reserved)." | 15 | 27 | |
| 33 | Do. page 1321 | Omission of the item of Rs. 30,000 for "Construction of buildings for the Bhagalpur Zila School." | 11 | 25 | |

## ANNEXURE E.

*Supplementary Budget Demands.*

| —— | 1st Session. | 2nd Session. | 3rd Session. | 4th Session. | 5th Session. | 6th Session. | 7th Dession. | Total. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| (*a*) Number of supplementary votes asked for. | .. | 6 | 3 | 19 | 6 | 11 | 20 | 65 |
| (*b*) Number carried after a division | .. | .. | .. | 2 | 2 | 2 | 1 | 7 |
| (*c*) Number defeated after a division | .. | .. | .. | .. | .. | .. | .. | .. |
| (*d*) Number carried without a division. | .. | 6 | 3 | 17 | 4 | 9 | 19 | 58 |
| (*e*) Number withdrawn .. .. | .. | .. | .. | .. | .. | .. | .. | .. |

For motions for reductions of supplementary votes see list 5A (*b*).

## ANNEXURE E.—*contd.*

*Resolutions.*

| — | 1st Session. | 2nd Session. | 3rd Session. | 4th Session. | 5th Session. | 6th Session. | 7th Session. | Total. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| (*a*) Number of resolutions .. | 34+ 1* | 36+ 2* | 10+ 1* | 25+ 2* 2† | 3+ 1* | 4+ 1* | 14 | 126+ 8* 2† |
| (*b*) Number of resolutions opposed by Government but carried after a division. | 2 | 4 | 1 | 2 | .. | 2 | 2 | 13 |
| (*bb*) Number opposed by Government but carried without a division. | 1 | 1 | .. | 1 | .. | 1 | 1 | 5 |
| (*c*) Number of resolutions opposed by Government and defeated after a division. | 3 | 5 | 1 | 2 | 2 | .. | 2 | 15 |
| (*d*) Number defeated without a division or withdrawn. | 7 | 14 | 3 | 10 | 1 | 1 | 3 | 39 |
| (*e*) Number accepted by Government and carried. | 16 | 9 | 3 | 9 | .. | .. | 6 | 43 |
| (*f*) Number of resolutions not definitely opposed by Government. (In some cases Government deprecated the passing of the resolution, and in others was neutral.) | 5 | 3 | 2 | 1 | .. | .. | .. | 11 |

* Special motions.
† Government resolutions.

## ANNEXURE F.

*List of resolutions opposed by Government but carried.*

| Serial No. | Reference to date and page of Council proceedings. | Resolutions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 30th March 1921—(Vol. I, no. 19, page 963). | Resolution *re* appointment of a committee to inquire into the grievances of Government press employes. | 21 | 20 | |
| 2 | 30th March 1921—(Vol. I, no. 19, page 984). | Resolution *re* limitation of the annual exodus to Ranchi to three months and to the minimum number of officials. | 23 | 21 | |
| 3 | 28th July 1921—(Vol. II, no. 1, page 49). | Resolution *re* suspension of business for 1 hour for Muhammadans' Friday Prayers. | 24 | 21 | |
| 4 | 25th July 1921—(Vol. II, no. 6, page 263). | Resolution *re* stopping the creation of new posts in the Imperial and Provincial Services till the question of retrenchment has been dealt with finally. | 27 | 21 | |

ANNEXURE F—*contd.*

| Serial No. | Reference to date and page of Council proceedings. | Resolutions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 5 | 27th July 1921—(Vol. II, no. 8, page 408). | Resolution *re* appointment of a committee to inquire into the condition of the Maharani of Bettiah and the management of Bettiah estate. | 36 | 22 | |
| 6 | 28th July 1921—(Vol. II, no. 9, page 483). | Resolution *re* authorization of members of Legislative Council to keep fire arms without licenses. | 30 | 18 | |
| 7 | 24th November 1921—(Vol. III, no. 3, page 97). | Resolution *re* increase of listed posts in the Provincial Civil Service. | 26 | 18 | |
| 8 | 17th February 1922—Vol. IV, no. 11, page 692). | Resolution *re* reconsideration of the paper-book rules of the Patna High Court. | 14 | 12 | |
| 9 | 20th March 1922—(Vol. IV, no. 22, page 1523) | Resolution *re* appointment of a committee to inquire into the disturbed condition of the Champaran district. | 21 | 13 | |
| 10 | 7th December 1922—(Vol. VI, no. 4, page 159). | Resolution *re* withdrawal of the notification declaring the Santal Parganas to be a backward tract. | 38 | 20 | |
| 11 | 8th December 1922—(Vol. VI, no. 5, page 235). | Resolution *re* amalgamation of the assessment and collection departments of the Son canals. | 32 | 24 | |
| 12 | 17th February 1923—(Vol. VII, no. 7, page 378). | Resolution *re* release of political prisoners. | 25 | 23 | |
| 13 | 17th March 1923—(Vol. VII, no. 24, page 1447). | Resolution *re* cancellation of increase in the Son canal water rates. | 24 | 15 | |

*List of resolutions opposed by Government and defeated after a division.*

| Serial no. | Reference to date and page of Council proceedings. | Resolutions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 18th March 1921—(Vol. I, no. 14, page 689). | Resolution *re* appointment of a committee to inquire into the condition of depressed classes. | 16 | 24 | |
| 2 | 22nd March 1921—(Vol. I, no. 17, page 900). | Resolution *re* abolition of the sale manufacture and consumption of liquors and intoxicating drugs for medicinal purposes within a year. | 10 | 32 | |
| 3 | 31st March 1921—(Vol. I. no. 20, page 1042). | Resolution *re* opening of agricultural and artizan classes in primary schools. | 16 | 21 | |
| 4 | 19th July 1921—(Vol. II, no. 2, page 56). | Resolution *re* establishment of an intermediate college at Ranchi. | *16 | *23 | *The division was actually on an amendment, the substantive motion being defeated without a division. |
| 5 | 21st July 1921—(Vol. II, no. 4, page 168). | Resolution *re* abolition of chaukidari tax in Orissa. | 25 | 29 | |
| 6 | 26th July 1921—(Vol. II, no. 7, page 346). | Resolution *re* establishment of Charitable dispensaries in temporary houses. | 17 | 29 | |
| 7 | 29th July 1921—(Vol. II, no. 10, page 580). | Resolution *re* prohibition of sale of intoxicants during religious festivals. | 16 | 19 | |
| 8 | 29th July 1921—(Vol. II, no. 10, page 595). | Resolution *re* extension of Muhurram holidays. | 15 | 17 | |
| 9 | 1st December 1921—(Vol. III, no. 8, page 403). | Resolution *re* filling up of posts not reserved for the Indian Civil Service by members of that service. | 8 | 17 | |
| 10 | 17th February 1922—(Vol. IV, no. 11, page 682). | Resolution *re* extension of trial by jury to Crown cases involving imprisonment of more than three months. | 5 | 11 | |
| 11 | 21st March 1922—(Vol. IV, no. 23, page 1591) | Resolution *re* arbitration in civil and revenue courts. | 6 | 17 | |
| 12 | 15th August 1922—Vol. V, no. 7, page 374). | Resolution *re* cancellation of the order regarding payment of compensation to the Chautarwa factory in the Champaran district. | 19 | 28 | |
| 13 | 24th August 1922—(Vol. V, no. 13, page 875). | Resolution *re* appointment of a committee to inquire into the complaints of political prisoners. | 20 | 27 | |
| 14 | 17th February 1923—(Vol. VII, no. 7, page 352). | Appointment of selection committees for appointments by nomination. | .. | .. | Only one member voted in support of the resolution. |

*List of resolutions opposed by Government and defeated after a division*—contd.

| Serial no. | Reference to date and page of Council proceedings. | Resolutions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 15 | 16th March 1923—(Vol. VII, no. 23, page 1381). | Resolution *re* option of filing plaints, etc., in courts in Urdu script. | 9 | 28 | |
| 16 | 17th February 1922—(Vol. I, no. 4, page 128). | Resolution *re* appointment of a committee to report on retrenchments in expenditure in the various departments of Government. | .. | .. | It was opposed by Government, but carried without a division. |
| 17 | 19th July 1921—(Vol. II, no. 2, page 88). | Resolution *re* the appointment of an honorary Vice-Chancellor for Patna University, instead of a salaried officer. | .. | .. | Ditto. |
| 18 | 24th January 1922—(Vol. IV, no. 1, page 43). | Resolution *re* the withdrawal of the notification under the Criminal Law Amendment Act and the release of persons convicted for the breach of the term of that notification. | .. | .. | Ditto. |
| 19 | 8th December 1922—(Vol. VI, no. 5, page 254). | Resolution *re* financing of primary education, etc., out of increased revenue from court and registration fees. | .. | .. | Ditto. |
| 20 | 16th March 1923—(Vol. VII, no. 23, page 1415). | Resolution *re* construction of a hospital at Sonepur. | .. | .. | Ditto. |

Letter no. 1456-C., dated the 12th September 1923.

From—The Chief Secretary to the Government of Bihar and Orissa,

To—The Secretary to the Government of India, Home Department.

As promised in paragraph 1 of Sifton's demi-official letter no. 1362-C., dated the 14th August 1923, on the working of the Reformed Constitution, I am desired to forward a further list of annexures giving statistics of the last session of the Legislative Council as regards legislation, resolution, etc. During the session 320 questions were asked of which 109 were supplementaries. In order to complete the statistics for the life of the 1st reformed council these should be added to the figures already given.

## ANNEXURE A.

*List of Bills passed by the Bihar and Orissa Legislative Council at its 8th Session.*

| Serial No. | Name of Bill. | Date passed by the Council. | Remarks. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| 1 | The Chota Nagpur Tenancy (Amendment) Bill. | 27th August 1923 .. | Provides for the exclusion of certain contracts of a commercial character relating to timber and other items of forest produce from the jurisdiction of the revenue courts. |
| 2 | The Bihar and Orissa State Aid to Industries Bill. | Ditto .. | Provides for assistance in the establishment and development of Industries that have an important bearing on the economic development of the province. |
| 3 | The Bihar and Orissa Food Adulteration (Amendment) Bill. | 28th August 1923 .. | Provides for the prevention of sale of impure or adulterated drugs. |

These Bills have not yet received the assent of His Excellency the Governor.

## ANNEXURE E.

*Supplementary Budget Demands.*

| Serial No. | 8th Session. | | |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| (*a*) | The number of supplementary votes asked for. | 37* | *Including 10 demands for excess grants. |
| (*b*) | The number carried after a division .. | 2 | |
| (*c*) | The number defeated .. .. | 1 | Defeated *without* a division. The decision was left by Government to the non-official members. |
| (*d*) | The number carried without a division | 34 | |
| (*e*) | The number withdrawn .. .. | .. | |

## ANNEXURE F.

*Resolutions.*

(*a*) The number of resolutions moved .. .. .. 4
(*b*) The number of resolutions opposed by Government, but carried after a division .. .. 1
(*bb*) The number opposed by Government but carried without a division .. .. .. 1
(*c*) The number of resolutions opposed by Government and defeated after a division .. .. 1

ANEXURE F—*contd.*

(*d*) The number defeated without a division or withdrawn

(*e*) The number accepted by Government and carried .

(*f*) The number of resolutions not opposed by Government and carried .. 1 Carried without a division.

*List of Resolutions opposed by Government but carried.*

| Serial No. | Reference to date of Council Proceedings. | Resolutions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| (*b*) | 31st August 1923 .. | Abolition of whipping as a punishment in jails. | 37 | 21 | |
| (*bb*) | 30th August 1923 .. | General pardon to all political prisoners to render them eligible for election to the local Council. | .. | .. | No Division. |

*List of resolutions opposed by Government and defeated after a division.*

| | | | | | |
|---|---|---|---|---|---|
| (*c*) | 1st September 1923 .. | Withdrawal of notification regarding application of the Bihar and Orissa Local Self-Government (Amendment) Act to the Chota Nagpur Division. | 10 | 34 | |

## CENTRAL PROVINCES AND BERAR.

Letter No. 134-I., dated the 28th July 1923.

From—The Chief Secretary to the Government of the Central Provinces,

To—The Secretary to the Government of India, Home Department.

With reference to your letter no. D.-917, dated the 23rd April 1923, I am desired to forward, for the information of H. E. the Viceroy a note on the working of the reformed constitution in the Central Provinces and Berar.

### NOTE ON THE WORKING OF THE REFORMED CONSTITUTION IN THE CENTRAL PROVINCES AND BERAR.

The Reform Government was inaugurated in December 1920, when the province was raised to the status of a Governor's provinces, and Sir Frank Sly, K.C.S.I., I.C.S., was appointed the first Governor.

## A.—The Executive Government.

2. *Constitution and personnel.*—In addition to the Governor, the Executive Government consists of two members of the Executive Council and two Ministers. These appointments were filled by :—

(1) *Members of the Executive Council.*

(*a*) The Honourable Mr. B. P. Standen, C.S.I., C.I.E., I.C.S. His portfolio includes Land Revenue, Settlements, Land Records, Famine Relief, Forests, Irrigation and Finance.

(*b*) The Honourable Sir M. V. Joshi, Kt. He holds charge of the portfolio of Criminal and Civil Justice, Police, Jails, Registration, Factories and Income Tax.

(2) *Ministers.*

(*c*) The Honourable Mr. S. M. Chitnavis, I.S.O. He is in charge of Agriculture, Co-operative Credit, the Development of Industries, Civil Veterinary Department and Excise.

(*d*) The Honourable Rao Bahadur N. K. Kelkar. His portfolio includes Local Self-Government, Education, Public Works, Medical and Public Health Departments.

His Excellency the Governor holds direct charges of the Political Military and Appointments portfolios.

The Executive Government thus consisted of two officials (including the Governor) and three non-officials.

There was some criticism of this personnel, because it contained no representative of the northern Hindi-speaking part of the province, but it was generally accepted that no member of sufficient outstanding merit had been returned by the northern constituencies to justify selection to a post in the Executive Government.

There has been no change in the personnel of the Executive Government.

The distribution of portfolios has worked fairly well, but some difficulty has been felt occasionally from the fact that the Member in charge of Finance also administers several important departments. The distribution of portfolios between the two Ministers results in a somewhat unequal division of work, but it does not seem at present capable of improvement.

3. *Allocation of funds to reserved and transferred subjects.*—The joint purse system has been followed, and action under Devolution Rule 32 has not been found necessary. The great financial stringency, increased by the famine of 1920-21, has tended to simplify the distribution of funds between reserved and transferred subjects, because the amount available for new expenditure has been infinitesimal. It has also emphasised the importance of the Finance Department. Under these conditions, no real difficulty has been experienced in making a budget acceptable to both halves of the Executive Government, both Ministers having cheerfully submitted to a reduction in their department budgets in the interests of the solvency of the province. It is recognised that the transferred side of the Government comprises the main spending departments where development is most required.

4. *Readjustment of establishments necessitated by the Reform.*—The number of Secretaries and Under Secretaries (three each) has not been increased, but the Chief Secretary has been relieved by making the

Director of Public Instruction also Secretary for Education, and the Revenue Secretary by making the Commissioner of Settlements the Secretary for Settlements and Land Records. The cost of the Secretariat has remained practically the same, and the additional expenditure of Rs. 3,33,000 on the appointments of the Governor, two Members of Council and two Ministers, is in part covered by the saving of Rs. 1,79,500 from the abolition of the posts of Chief Commissioner and Financial Commissioner.

5. *Co-operation between the Executive Government and the Legislature.*—In addition to the committee on Public Accounts, standing committees of members of the Legislative Council have been appointed in all the principal departments.* These committees are advisory. They familiarise the members with the working of the administration and give them the opportunity to influence the policy of the Government. They also make more intimate the relations between the Executive and the Legislature, and give to the Government a most useful way of ascertaining the trend of public opinion. Their work has been of considerable value. Special committees, on which non-official members of the Legislative Council were in a majority, have been appointed from time to time to make recommendations regarding important questions, such as the improvement of the conditions of the depressed classes, travelling allowances, retrenchment, educational curricula, vocational training and the like.

The Public Accounts Committee, constituted under rule 33 of the Legislative Council Rules, also acts as a Finance Committee. The preliminary budget is placed before this committee in December and full information afforded on all points on which information is required. This system, which was adopted for the first time in connection with the current year's budget, has greatly simplified the passage of the budget through the Council in the March Session.

Reference may also be made to the Retrenchment Committee which was constituted early in 1922. Copies of the report of this committee have already been supplied to the Government of India and the action taken by Government on its recommendations has been published in a Resolution, a copy of which is forwarded with this report.† It is unquestionable that had this committee not been appointed, the Legislative Council would not have consented to the passage of the Central Provinces Court Fees and Stamp Acts in January of this year.

One important factor in the working of the Reform Scheme has been the predilection of Indian opinion for the consideration of all important problems by a committee rather than by the department concerned and by discussion in the Legislative Council. The local Government desires to lay great stress on the educative effect of such committees ; it believes that the members by this time generally recognise the complexity of administrative problems and the good faith and disinterestedness of Government officers, and that this belief has gradually permeated the Legislative Council and been reflected in its attitude.

Council Secretaries have been appointed, but as yet they have not made their influence felt in any marked degree or won a recognized position in the provincial constitution. It has been found difficult to

*(1) Finance, (2) Judicial, Police, Jails and General Administration, (3) Land Revenue Settlement and Land Records, (4) Forests, (5) Irrigation, (6) Local Self-Governments and Public Works, (7) Public Health and Medical Relief, (8) Education, (9) Co-operative Credit and (10) Excise.

† Not reprinted.

keep them in touch with the work of the Government, and this change has hitherto been a failure.

6. *The Reforms and local Self-Government.*—Since the constitution of the Reform Governments, one measure of first class importance in connection with local Self-Government, *viz.*, the Municipalities Act, has passed into law. In addition rules have been framed under the local Self-Government Act, though the Act itself was passed before the new Legislative Council was formed. The general line of policy, which is pressed on Government, both from within and without the Council in connection with local Self-Government, is the necessity of freeing these bodies almost entirely from official control : this line of policy has commended itself to the Ministry of local Self-Government as tending to increase the initiative and sense of responsibility of members of local bodies thereby fitting them to take their place in any system of responsible Government which may be introduced in this country. The Municipalities Act, therefore, is designed to give effect to this policy so far as present conditions permit, and its chief features may be stated as the extension of the municipal franchise, the reduction of official and nominated members of municipalities, the extension of the powers of Municipal Committees and the reduction of official control. Generally the Legislative Council has paid great attention to matters connected with local Self-Government and the importance of local bodies as a training ground for future legislators is fully recognised.

B.—THE LEGISLATURE.

7. *Constitution and its working.*—The new Legislative Council consists of 53 elected members, two *ex-officio* members of the Executive Council and 15 nominated members, of whom not more than eight may be officials, total 70 members. It entered on its important duties with little previous experience of public affairs. It included only five non-officials who had been members of the pre-reform Council, some others, mostly from the few urban constituencies, had previously taken part in local affairs, but a considerable proportion of the rural members were making their first entry into public life. A substantial proportion of the members carry very little weight in their constituencies or in public life, and are not qualified for a seat in the Council by influence, ability or force of character. The *personnel* of this Council has thus been quite exceptional. In spite of these drawbacks, the Legislative Council has, on the whole, shown an increasing sense of responsibility in the exercise of the large powers conferred by the Government of India Act. There was at first a tendency to adopt an attitude of opposition to all Government measures and to criticise unduly Government servants and their actions, but with increasing experience this tendency has been much less apparent.

The Honourable Sir G. M. Chitnavis, K.C.I.E., a non-official gentleman with wide experience of the pre-reform Legislative Council of the Government of India, was appointed President of the local Legislative Council, and it is largely due to his guidance that a good standard of parliamentary procedure has characterised its proceedings which have been conducted with dignity and orderly progress. Much important work has been accomplished. There is an increasing belief in the future of the Legislative Council, wider appreciation of the considerable powers that it exercises, and a greater desire to utilize the reform scheme of Government for the advancement of the province along the road of responsible self-government.

8. *Government Legislation.*—Ten* Acts have been passed by the present Council, and three Bills that have been introduced are still before the Council, the Land Revenue (Amendment) Bill, the Tenancy (Amendment) Bill and the Settlement Bill. In connection with the last, no step has been taken after introduction ; both the others were referred to a Select Committee, which has recommended a few unimportant changes in the Land Revenue Bill and none in the Tenancy Bill.

Only one legislative measure was defeated, the Court Fees Bill (I of 1922), the motion to refer it to a Select Committee being lost in the March sessions of 1922 by 32 votes to 22 ; there was opposition to any increase in the cost of litigation, but the main argument for rejection was that Government ought to balance the budget by retrenchment and not by fresh taxation. The motion was revived in the November session of 1922 and carried by 36 votes to 17, the majority of the members having realized that retrenchment alone would not save the financial situation and that fresh taxation was necessary. The Bill was passed into law in January 1923 with few changes, and at the same time the Stamp (Amendment) Act was also passed.

The Municipalities Act, the High School Education Act and the University Act were measures that aroused much interest. There was a tendency on the part of non-official members to oppose Government representation on the bodies to be constituted under these Acts and Government's power to control the working of them, but this opposition did not meet with much success. As regards the University Act, this result was, perhaps, in some degree due to the attitude adopted by a large number of non-official members in the March sessions of 1923, when the Bill as reported by the Select Committee came up for final consideration. University education being subject to legislation by the Indian Legislature, the previous sanction of the Governor General was obtained to the introduction of the Bill It was subsequently pointed out that previous sanction was also required to every amendment that it was proposed to move, and when the proposed amendments were submitted for sanction, a few were disallowed. Ignoring the legal position, many members, treated the disallowance as an unwarrantable infringement of the Council's right to deal with a transferred subject, and to mark their resentment refrained from moving the amendments standing in their names to which sanction had been received. In consequence, the discussion at the last stage of the Bill was confined to certain amendments designed to secure Muhammadan representation on the University authorities. These amendments received no support except from the Muhammadan members and the

*I of 1921—Financial Commissioner's Functions Act.
II of 1921—Deputy President's Salary Act.
I of 1922—Local Authorities' Loans (Central Provinces) Amendment Act.
II of 1922—Municipalties Act.
III of 1922—High School Education Act.
I of 1923—Central Provinces Court Fees Act.
II of 1923—Indian Stamp (Central Provinces) Amendment Act.
III of 1923—Deputy President's Salary (Repealing) Act.
IV of 1923—Canal Management (Amendment) Act.
V of 1923—Nagpur University Act.

two representatives of the depressed classes, and no provision for communal representation was inserted in the Bill. Another noteworthy feature in connection with the discussion of this measure was the cleavage between the non-official representatives of the north and south of the province ; this arose over the proposal to confine the more advanced studies to the Nagpur Colleges, and might have ended in the wreck of the Bill but for a concession in the matter that was made to the Northern interests.

Speaking generally, it may be said that there has been a distinct improvement in the attitude of non-official members towards Government legislation during the term of the Council. A somewhat wider acquaintance with the problems of administration and clearer appreciation of Government's aims have lessened the suspicion entertained of Government's measures. Welcome evidence of the change in attitude was found in the passing of the Court Fees and Stamp Acts, and in a lesser degree in the Select Committee's handling of the Land Revenue and Tenancy (Amendment) Bills.

9. *Private Bills.*—Notice was given of four private Bills but none have come before the Council.

The first was a Bill for the Prevention of Cow Slaughter. It was an objectionable measure and the Governor proposed to certify, under section 72-D (4) of the Government of India Act, that it affected the tranquillity of the province and disallow introduction, if the member did not withdraw it. When it was submitted to the Government of India they ruled that it was a Bill requiring previous sanction and as the member did not apply for sanction it was not necessary to disallow it.

The second was a temperance Bill, the object of which was the introduction of local option, with total prohibition as the ultimate goal. The Bill having been altered so as to cover country liquor only, the Governor accorded sanction under section 80-C of the Government of India Act. The Bill did not obtain a sufficiently high place in the ballot for private business for three sessions, and thereafter the notice was not renewed. The opinion of the Council is believed to have changed substantially in this matter, but it is more difficult to estimate public opinion outside. Notice was given of a Bill to amend the Land Revenue Act with the object of enlarging the rights of holders of abadi sites. The drafting was so defective and the exact intention so obscure that the Bill was returned to the member for reconsideration. He took no further action, and the notice was treated as withdrawn.

The same member gave notice of a Bill to amend the Tenancy Act, so as to alter the periods for which occupancy tenants may give sub-leases. The Government of India having pointed out that sanction was necessary under section 80-A (3) (*h*) of the Government of India Act, the member was directed to apply for sanction and nothing further has been heard from him in the matter.

10. *Financial Business.*—In 1921 the total budget demand presented to the Council was Rs. 6,54,73,425. The members had only a short time to study the budget before they were called upon to discuss it, and complaint was made on that score ; many of them lacked the experience necessary to understand details of the budget as presented to them, and the Council as a whole had not yet found its feet. The situation was reflected in the debate and the reduction voted. The total reduction was Rs. 3,87,541, and the bulk of it was due to the rejection of a demand, under Forests, for Rs. 1½ lakhs for a saw-mill and of another, under Public

Health, for a grant of Rs. ½ lakh to the Nagpur Municipal Committee. Demands were also refused which related to the salaries of certain appointments, which the Council considered unnecessary. Of the reductions in the demands Rs. 17,816 only were restored by His Excellency the Governor in exercise of the powers conferred by section 72-D of the Government of India Act.

In August, 1921, a supplementary demand for Rs. 65,000 to give effect to the Secretary of State's orders as to the scale of pay to be drawn by Deputy Commissioners of the Provincial Service was refused by the Council, but was restored by the Governor.

In 1922, faced with a considerable deficit and the prospect of fresh taxation, of which something has been said in connection with legislation, the Council was evidently not convinced that Government had done all that was possible by way of retrenchment, and Government announced its decision to appoint a Retrenchment Committee of six non-official members of the Legislative Council and one Government official. The total demand of Rs. 5,24,95,700 was, however, reduced by Rs. 10,96,944. Members were in a better position to criticise the budget, thanks to the experience gained in the previous year, the longer time given them to study the budget and the fact that it had been published in Hindi for the benefit of those members who did not know English. The reduction was distributed over many heads, the largest reduction being made, in lump sums, from the demands under Land Revenue—Survey and Settlements Establishment (Rs. 1 lakh), Irrigation (Rs. 4 lakhs) and Agriculture (Rs. 2 lakhs). The Governor was under the necessity of restoring Rs. 4,53,510 or more than 40 per cent. of the amount that the Council had refused to vote. Towards the end of the year the Retrenchment Committee reported their recommendations, and they have been the subject of many resolutions and questions ; they were made the occasion of a motion for the adjournment of the Council in the November sessions of 1922. The debate on that motion convinced most members that the action possible to Government on the recommendations of the committee would not result in anything like a complete or satisfactory restoration of the financial position and this conviction was an important factor in persuading the Council to pass the taxation proposals of Government. It must be added that this conviction does not amount to complete satisfaction with Government's treatment of the recommendations, which continued, and will continue, to afford material for interpellation and debate.

The atmosphere, however, created by the time the budget of 1923 was introduced, resulted in that budget having a much smoother passage than its predecessor. Government had made a reduction in the total demand presented to the Council (Rs. 4,80,58,666), and the Council was not prepared to reduce much further. The total amount which the Council refused to vote was Rs. 2,07,200, more than half of which (Rs. 1,09,400) was cut from the provision for Deputy Superintendents and Circle Inspectors of Police, whose numbers it was proposed, on the strength of the Retrenchment Committee's report, to decrease. Rs. 93,400 of this was restored, as was also a sum of Rs. 25,800, the total demand for the Chief Conservator's establishment, which had been refused. In all, Rs. 1,36,100 was restored.

It cannot be said that the Council has made any serious attempt to extend its financial powers. There is no doubt that members desire to have control of non-voted items of expenditure and are not satisfied with being allowed, as they were in 1922 and 1923, to discuss them. There have

been instances of motions to refuse establishment provision for officers whose pay is non-voted ; but these have all been in connection with reserved departments and the Council has known that any necessary provision refused by it would be restored. Only one such motion was successful, that referred to in the preceding paragraph ; it was made to emphasize the Council's view that a Chief Conservator is unnecessary. There have also been motions to reduce the provision for Provincial Service officers in a department because the pay of the Imperial Service officers cannot be touched ; these again have been made in the case of reserved departments and appear to have the object, not of reducing the number of posts held by officers of the Provincial Service, but of demonstrating that in the Council's opinion the superior staff of the department is numerically too strong ; an instance of this type of motion was that made in 1921 to reduce the number of Deputy Superintendents of Police, and the motion carried in 1923 in respect of the same class of officers was partly of the same nature.

The financial stringency has undoubtedly been a very great drawback to the successful working of the Reform Scheme. Hopes of advance and development have been disappointed, but the members have fully recognized that for the present the solvency of the provincial finances is the most pressing need.

11. *Resolutions.*—For the sessions held between January 1921 and March 1923, 854 notices of resolutions were received. Owing, however, to the over-lapping of resolutions and notices being renewed, sometimes more than once, because in the majority of sessions time was insufficient for the discussion of all the resolutions of which notice had been given, that figure does not convey much meaning. The resolutions actually moved numbered 207, of which 58 were carried, 52 rejected and the rest withdrawn, in many cases after an explanation from Government or a promise of some action being taken. Some of the more important resolutions and the results are detailed in the following paragraphs.

In March 1921, a debate on the allocation of revenues between the Central Provinces and Berar led to the appointment of a Committee, usually known as the Sim Committee, to inquire into the matter. They recommended that, after certain expenditure had been provided for, the balance of the revenues should be allocated to the Central Provinces and Berar in the proportion of 3 to 2. In January 1923, a motion that effect should not be given to this recommendation was lost, after strong opposition from some of the Central Provinces non-official members, and the allocation proposed is now in force.

In the same sessions a resolution was passed recommending the abolition of grain payments to village watchmen in Berar and the introduction of a provincial money cess. This important change has been made by the Government. The collections in the shape of the cess and the payment therefrom to the mahars naturally had to appear in the budget, and in the budget sessions of this year this fact afforded an opportunity for a proposal to reduce the provision for payment so as to force a reduction in the numbers of the mahars employed ; the proposal was rejected by the Council.

In the next sessions, August 1921, a resolution was carried that legislation should be undertaken to establish a University. A committee was appointed to make final proposals to that end, and as a result the Nagpur University Act is now law and steps are being taken to establish the University in accordance with its provisions.

A resolution recommending the prohibition of the sale of country liquor was moved in the same sessions. Although it could not be accepted in the form in which it was passed, the Minister for Excise announced the acceptance by Government of prohibition as the ultimate goal of its excise policy. It was made clear that Government cannot bind itself to introduce prohibition until it is satisfied that the social conditions permit it. Substantial steps have been taken to give gradual effect to this decision. Duty rates have been considerably raised, the number of shops largely reduced and the strength of liquor lowered. There is some reason to believe that the progress has been too rapid, having already led to a considerable increase in the number of cases of illicit distillation.

That the "non-co-operation" movement evoked a certain amount of sympathy from within the Council was shown in several resolutions. In August 1921 a round-table conference was proposed ; in the same sessions an enquiry was demanded into alleged illegalities practised in order to counteract the movement, but the motion was eventually withdrawn ; in September 1922 an enquiry was demanded into the handcuffing of R. S. Shukla, a prominent non-co-operator of Raipur, who had been arrested for resistance to the police ; the resolution was lost after a lengthy debate ; in December 1921 a resolution was carried regarding the treatment of political prisoners ; and in January of this year a resolution was moved, but rejected, recommending the release of political prisoners.

Numerous committees of inquiry were suggested ; but, apart from the Sim Committee, the Retrenchment Committee, the Committee to consider the compensation to be paid to the Ratona Tannery Company, and that to make proposals for the establishment of a University, the only committees formed in pursuance of resolutions of the Council were the Standing Committees on Sanitation and Medical Relief and on Education and one to enquire into the condition of the depressed classes.

On certain resolutions carried in the Legislative Council, the local Government was not in a position to take any action other than forwarding them to the Government of India ; they included resolutions on such important matters as the abolition of Commissionerships, reduction in the pay of the Imperial Services, the Indianization of these services, and the amendment of the Arms Rules. Similarly, resolutions carried with respect to railway management could only be referred to the company concerned.

12. *Questions.*—Notice of 3,385 questions was received, of which 3,059 were answered and only 290 disallowed. The questions for the most part were put to obtain information or related to unimportant matters, and often, when they called for action on the part of Government, were based on incorrect facts. It was only on 134 that any action was taken. As instances of the action taken may be cited the order, issued in January 1921, to the Deputy Commissioner, Amraoti, not to collect revenue until suspensions were announced ; the appointment, as an experimental measure, of Court of Wards advisory committees in certain districts ; approval of the transfer of a circle from one tahsil to another, and an order, in November 1922, for an enquiry to be made by officers of the Agricultural Department into the condition of agriculturists in a few typical villages.

In the matter of the admission and disallowance of resolutions and questions the provisions of the Rules and Standing Orders were complied with as closely as possible. Resolutions and questions relating to Berar, however, have not been ruled out under proviso (*ii*) to Rule 8 (1) ; this has the approval of the Government of India and the Secretary of State.

Resolutions relating to central subjects have presented some difficulty ; but the practice has been to admit them if, though the local Government cannot pass orders in regard to them, they are of provincial interest only ; it is considered that such resolutions can properly be said to relate to matters which are primarily the concern of the local Government. As regards railway matters, the Government of India's instructions are that all matters of purely local interest, on which the Agent of the line is in a position to express an opinion without reference to the Railway Board, should be dealt with in the Provincial Council ; and these instructions have been followed.

There is a tendency to move resolutions and to ask questions on matters of purely parochial interest, which are not of sufficient importance to justify their consideration by the Legislative Council and tend to lower its dignity as a provincial legislature.

13. *Motions for adjournment and amendment of the Standing Orders.*—There have been two motions for the adjournment of the Council to consider a matter of urgent public importance. The first was made to urge on Government the necessity of giving immediate effect to the unanimous recommendations of the Retrenchment Committee, as far as it lay within the power of the local Government to do so. After a lively debate, in which there was considerable opposition to the motion, it automatically closed at 6 o'clock without any question being put. The second arose out of the resolution carried in March 1923 that an Indian should be appointed a Secretary to Government in the next vacancy that occurred ; the object of the proposed motion was to consider an appointment as Secretary of a European officer, which had been decided upon before but was not gazetted till a few days after the resolution had been passed ; the motion was disallowed by the President of the Council as not relating to a matter of urgent public importance.

The Standing Orders have been amended on two occasions. On the first, the Select Committee reported on the 12th July 1921 and their recommendations were accepted by the Council ; certain amendments proposed to solve the difficulties of members who do not know English were dropped, it being considered that the suggestions contained in them could be carried out through the medium of the President's orders ; the amendments carried out altered the provision regarding notice of questions and provided for the printing of questions and answers one clear day before the answers are to be given ; gave the President some discretion in the matters of admitting questions and resolutions without due notice and dealing with the moving of amendments ; made it clear that closure of a debate would not affect the right of the mover or the Government member to speak, and provided for the case of two or more members giving notice of the same resolution and for the posting of the budget to members fourteen clear days before the voting of grants begins. In March 1922 the second Select Committee recommended amendment of the orders so as to make it unnecessary for fresh notice to be given of a motion not discussed at the previous sessions for want of time and the recommendation was accepted by the Council.

14. *The Legislative Council and public opinion.*—As stated above, few of the members of Council were really representative of public opinion or carried much weight with the outside public. Owing to the non-co-operation activities at the election time, some of the members were of poor status—a tailor, a chamar, a vegetable seller, and there is no doubt that many of the most influential and intelligent leaders, whether owing to conviction or under compulsion, refrained from standing for election. It

was soon recognised, however, that the Council not only had considerable power, but also that the action of the Council had resulted in a modification of Government policy or decisions on more than one occasion. The influence of the Council on public opinion has in consequence steadily increased.

Members maintain relation with their constituencies to some extent through local bodies (municipalities and local boards), but no special means have been adopted to keep in touch with their constituencies.

15. *Party Groups.*—The following are the communal groups :—

(1). Muhammadan.

(2) Hindu.

(3) Depressed classes.

In addition to this there are territorial groups.

(1). Berar representatives, holding that Berar is exploited by the Central Provinces and does not secure a fair share of its revenue.

(2). Central Provinces representatives, claiming that Berar should be treated as merely part of the Central Provinces.

(3). The north of the province consisting of representatives of the Hindi-speaking districts, who maintain that the interests of the north are sacrificed to the south.

(4). The south of the province—mainly Maratha.

There is no form of party organization. In the case of any important matter before the Council, the Secretary in the Department concerned is responsible that every possible vote is recorded on the Government side. Consultation as to concerted action on any particular measure is frequent, and adjournments of the debate are occasionally asked for to permit of consultation. Ministers also frequently hold meetings of their adherents to decide the line of action to be taken in regard to particular matters. Occasionally it is arranged that priority shall be given to particular items of business by withdrawal of resolutions preceding that item. There are no recognized party leaders.

16. *The constituencies and the public.*—The percentage of enfranchised persons to the total population is 0.9. The percentage of votes recorded in general elections was 22 in contested constituencies, but in 30 constituencies there was no contest, and therefore no votes were recorded. At by-elections, the percentage of votes recorded to the total number of voters on the register was about 16. In addition in 3 constituencies there was no contest.

The low percentage of votes recorded was in part due to the opposition of the non-co-operation party and to the rumours set about by them to prevent voters recording their votes. The backwardness of several tracts, and the ignorance of the voters regarding any form of election, also account for numerous abstentions.

At present in the Legislative Council such groups or parties as do exist are formed not in accordance with the character of their political convictions, but rather on territorial, class or communal considerations, and to this extent the formation of such groups may be said to be derived from the constituencies.

As yet there is no electoral organization in the constituencies or any system of party machinery, nor are there any political programmes.

Such party organization as exists in the Council is of a most elementary nature, and is therefore, not represented by any particular organ or the press. The newspapers in this province consist in the main of two classes—viz., moderate and extreme. The latter again may be divided into pro-Gandhi and pro-Das publications. Although the attitude of these papers on individual questions of policy may affect the position taken up by the members of the Council, few papers are consistent in their attitude ; the only consistent line of policy adopted is one of opposition to Government by the extremist press. The attitude of the moderate press is one of qualified support and reasonable criticism of Government. The influence of the press on general public opinion appears to be increasing.

The members of Council have generally failed to take their proper part in the political education of the electorate. Very few have addressed meetings of their constituencies, or explained the rights and duties of electors or enlightened them regarding the scheme of Reform Government and the powers and responsibilities of its component parts. An electioneering campaign has been started by the Das' party, but practically no such activity has as yet been undertaken by any other party.

17. *Political agitation and parties outside the Reforms Scheme.*—Reference has already been made to the effect of the non-co-operation movement on the constitution of the Council. Within the Council the Khilafat party as such, concerned as it is mainly with foreign affairs, has had little influence. The non-co-operation movement, however, has undoubtedly been reflected within the Councils in two ways—directly by resolutions moved either out of sympathy with the movement or in order to gain popularity in their constituencies ; and indirectly by resolutions moved to shew that the Legislative Council can take effective action on matters in regard to which the non-co-operators appeal to the public for direct action, *e.g.*, the resolution requesting Government to stop the sale of country liquor.

The successful working of the Reform Scheme, and in particular the realization, when the Court Fees Bill was first introduced in March 1922, that the Council had the power of refusing taxation, resulted in a change of attitude towards the Council by a large section of the non-co-operation party. The feeling that the boycott of the Councils was a mistake has been steadily growing during the past year, and the pro-Council party now includes most of the more intelligent and advanced section of the extremist community. The whole of Berar adheres to this party, while in the Marathi and the more advanced Hindi district in the Central Provinces these views are making distinct headway. This party is again divided into the Tilak school of responsive co-operation, and the Das school of ' mending or ending ' the Councils. If we may judge from the history of non-co-operation in local bodies in the last year, it is unlikely that the Das party's policy would be given effect to or, if adopted, would remain unmodified for long. Early in 1922 it was decided by the non-co-operation party in this province that non-co-operators were to contest and capture all seats on local bodies, the intention being that local bodies should then take their orders from the Congress either direct or through a Congress Local Self-Government Board. A fair measure of success attended the effort to secure representation on municipal committees, but reports so far received indicate that in the recent elections for local boards a comparatively small proportion of successful candidates were non-co-operators. Actually the municipal committees with a non-co-operation majority differ but little in their working from other municipalities ; it is true that they commenced with a few demonstrations of their political views : for example resolutions

were passed to picket liquor shops, to support National schools to fly the National flag ; but in a very short time they generally settled down to normal municipal activities.

One marked feature has been the growth of selfish disruptive tendencies. With the introduction of a system of representative government, it was inevitable that the local demands of particular constituencies should come into greater prominence, but larger issues have come into prominence. The rivalry between Berar and the Central Provinces is more marked ; the latent jealousy between the northern Hindi-speaking districts and the southern Marathi-speaking districts has become prominent ; at times Muhammadan feeling has been aroused against the Hindus ; the anti-Brahman movement is growing considerably in strength.

## ASSAM.

Letter No. 870-C., dated the 2nd July 1923.

From—The Chief Secretary to the Government of Assam,

To—The Secretary to the Government of India, Home Department.

In reply to your letter no. D.-917, dated the 23rd April 1923, I am directed to submit a report on the working of the reformed constitution and its results in the province of Assam.

### A.—The Executive Government.

(*i*) *Allocation of funds to reserved and transferred subjects*—

2. The Hon'ble Ministers have fully recognised the necessities of the financial position and no difficulty has so far arisen in the apportionment of funds between reserved and transferred departments by agreement. The allocation of funds has been as follows :—

| Budget. | Reserved Departments. | Transferred Departments. | Total. |
|---|---|---|---|
| | Trs. | Trs. | Trs. |
| 1921-22 .. .. .. | 1,99,77 | 57,01 | 2,56,78 |
| 1922-23 .. .. .. | 1,63,09 | 57,83 | 2,20,92 |
| 1923-24 .. .. .. | 1,61,90 | 54,92 | 2,16,82 |

The fact that the Public Works Department is in Assam a reserved department and that provision is made in it for works undertaken both for reserved and for transferred departments makes the allocation to 'transferred' seem less than is actually the case.

(*ii*) *Reinforcement or readjustment of Secretariat and other Headquarters establishment necessitated by the Reforms*—

3. Before the introduction of the Reforms there were, besides the Secretary in the Public Works Department, two Secretaries to the Chief

Commissioner. The creation of a separate Legislative Department, which was necessary under the new rules of business adopted in connexion with the Reforms, required the appointment of a third secretary, but as the Legal Remembrancer became Secretary to Government in the Legislative Department there was actually no increase in the number of superior officers employed in the Secretariat. According to the original distribution of work both ordinary secretaries dealt with transferred subjects, but as the Ministers preferred to work with a secretary unconnected with the Finance Department, the secretaries' work was readjusted so that all transferred subjects were dealt with by the secretary other than the secretary in the Finance Department. The sanctioned clerical staff of the Secretariat was increased by eleven hands, but some of this increase would probably have been necessary apart from the Reforms. Owing to the reduced activity in subjects such as education and local self-govenment caused by the lack of funds the sanctioned increase has in part been held in abeyance.

A staff of stenographers—one for each member of Government—was also attached to the new Members and Ministers, and is utilised also as the reporting staff for the Legislative Council.

The Legal Remembrancer and Secretary in the Legislative Department is also Secretary to the Legislative Council, and in that capacity has been provided with a small separate staff.

(*iii*) *Co-operation between the Executive Government and the Legislature with special reference to permanent or special Committees of the latter and the action taken in pursuance of their recommendations, and the use of Council Secretaries—*

4. A Committee of members of the Council is appointed annually by Government to advise them in connection with the framing of the budget. With this exception and that of the Committee of Public Accounts constituted under the Assam Legislative Council Rules, the non-official members of whom are elected by non-official members of Council, only one committee has been appointed. This was a small Retrenchment Committee, consisting of two members of Council with an official—not a member of Council—as President. It was appointed in response to a resolution passed by the Council recommending enquiries into the possibility of retrenchment in the various departments, and the scope of its enquiries was limited to particular appointments specially mentioned in the discussion. Several of its recommendations have been accepted by Government. The remainder are awaiting the recommendations of the Services Commission or (in the case of a recommendation for the abolition of the posts of Commissioners) the decision of higher authority. His Excellency the Governor has not considered it necessary to appoint either departmental Standing Committees or Council Secretaries. There are in Assam no public men of the leisured and monied classes, and few of the non-official members of Council live at or near Shillong. It is therefore not practicable in Assam to employ non-official members of Council in either of these ways in the ordinary work of administration without considerable expense and inconvenience.

(*iv*) *The Reforms and Local Self-Government—*

5. In Assam the process of emancipating local bodies from official control began before the introduction of the Reforms, and the changes which have occurred in consequence of the substitution of elected non-official for ex-officio Chairmen of local bodies have tended to obscure any effects which may have followed directly from the Reforms. Some—both officials and non-officials—complain of a deterioration in efficiency in the

administration of local bodies following on the change from official to non-official chairmanship. On the other hand it does appear to be the case that more interest is taken by non-officials in the problems of local self-government, that less reliance is placed on official guidance and that there is some attempt on the part of local bodies to work out their own salvation.

The Ministry of Local Self-Government has been responsible for the Assam Municipal Act—the most important measure yet tackled by the provincial Legislative Council. In other respects the want of money has made it impossible for this ministry to initiate any decided advance.

B.—THE LEGISLATURE.

(*i*) *Government Legislation*—

6. The following Government Acts have been passed during the time of the present Council :—

The Assam Deputy President's Salary Act, 1921.
The Assam General Clauses (Amendment) Act, 1922.
The Assam Court Fees (Amendment) Act, 1922.
The Assam Stamp (Amendment) Act, 1922.
The Assam Municipal Act, 1923.

Two Government Bills, the Record-of-Rights (Sylhet) Bill, 1921, and the Landlord and Tenant Procedure (Amendment) Bill, 1922, have been defeated by vote of the Council.

Two other Government Bills, *viz.*, the Assam Primary Education Bill and the Assam Local Rates Bill, have been introduced and are still under the consideration of the Council.

The most important Act passed since the formation of the new Council is the Assam Municipal Act which was passed in March last. The fact that the Bill was in charge of a popular Minister and that the Government left the details of the measure entirely in the hands of the Council had probably the effect of largely disarming opposition. Moreover the Bill had been dealt with by a large and representative Select Committee which had revised it in some respects in the direction of making it more popular. The result was that the members of the Select Committee defended in Council the provisions of the Bill as revised by the Committee, and no important amendments were carried if opposed by the Minister in charge.

The Bill was altered in Select Committee under the following heads :—

(*a*) substitution of control by Government for control by the Commissioner in certain matters ;

(*b*) subjection of the rule-making power conferred on Government to the approval of the Council ;

(*c*) inclusion of provision for the establishment by rule of communal representation on Municipal Boards ;

(*d*) excision of the provision for the co-option of a proportion of members.

Before the Council the more important amendments fell under the following heads :—

(*a*) further reduction of control on the part both of Government and of the Commissioner ;

(*b*) prescription of a limit to taxation ;

(*c*) provision for an appeal to the Civil Court in matters of taxation ;

(*d*) abolition of the provision for communal representation ;

(*e*) omission of the clause providing for the appointment of officials as supernumerary members ;

(*f*) reinsertion of the provision for co-option of members which had been excised by the Select Committee.

All these amendments were defeated.

An amendment providing for the insertion of a tax on persons as an alternative to the tax on holdings was pressed and being accepted by the Minister in charge was carried.

The Assam Council like all the others, Indian and Provincial, is generally opposed to any attempt to balance the accounts by the increase of revenue by means of enhanced taxation. In 1922, however, it passed without very serious opposition Bills providing for an increase in Stamps and Court Fees. The Council was no doubt influenced by the fact that similar Bills had been passed in Bengal and by the consideration that the increased charges would not affect the community at large but only those who had resort to the courts. The Bills were designed with the object of affecting the poorer class of litigants as little as possible, and further amendments in this direction were made while the Bills were under discussion. The Acts themselves call for no comment. They were modelled on those drafted for the Bengal Council with certain modifications.

Of the Bills which were defeated by adverse votes of the Council, the Record-of-Rights (Sylhet) Bill, 1921, was introduced with the object of providing the machinery for making a record-of-rights in the district of Sylhet and of recovering the whole or a portion of the cost from the landlords and tenants. This measure was urgently needed from the administrative point of view as a preliminary to up-to-date tenancy legislation for this district. It was received with uncompromising hostility by the landlords of Sylhet. The chief ground urged in the discussion in Council was that the expense was not justifiable in the state of the provincial finances, whilst another ground taken was that it was desirable to take up tenancy law for the province as a whole and not for one district only. The Bill was introduced without leave under the provisions of rule 18 of the Assam Legislative Council Rules, but when a motion to refer it to a Select Committee was moved, an amendment to the effect that a consideration of the Bill be postponed *sine die* was carried by 20 votes to 19, and the Government accepting the decision of the Council dropped the project.

The second unsuccessful Bill was a piece of emergency legislation designed to cope with the situation which had arisen in the Goalpara district where tenants, as the result of the activities of agitators, had refused to pay rent to their landlords. The provisions of the Bill were based on those of the Oudh Rent (Amendment) Act, 1921, and it was proposed to enact that in notified areas rent might be recovered as arrears of land revenue by the procedure prescribed in the Assam Land and Revenue Regulation, 1886. The Bill was introduced under the procedure provided by rule 18 and a motion was moved that the Bill be taken into consideration. An amendment " that the Bill be circulated for opinion " was however carried by 21 votes to 17. The opposition was in the interests of the tenants, the chief speakers against the Bill being pleaders. Objection was raised to the short time given to members to study the Bill, and stress was laid on the necessity for obtaining the opinions of the

persons affected. In the following session the Member in charge announced that it had been decided to drop the Bill as the emergency which it had been intended to deal with had passed away.

On the whole it can be said that, except in the case of the Record-of-Rights (Sylhet) Bill, the Council took a reasonable attitude towards Government legislation. In the case of the Landlord and Tenant Procedure (Amendment) Bill it cannot be said that the attitude of the majority of the members was prejudiced or unreasonable.

There have been no cases of the certification, return or reservation of Bills under sections 73-E. and 81-A. of the Government of India Act, or of the withholding of assent under section 81.

(*ii*) *Private Bills*—

7. Only one private Bill has so far been introduced. This is the Assam Juvenile Smoking Bill introduced by a Khasi Christian Member, who is an ardent prohibitionist as regards tobacco as well as opium and liquor. The Bill was introduced in the Council last September and was in the March session referred to a Select Committee. The Bill is modelled on similar Acts which have been passed in Bengal and the Punjab, but goes somewhat further. The mover intended it to apply to all juveniles up to the age of 18 and to students up to the age of 20, but the Select Committee reduced these figures to 16 and 18, respectively. The Bill is likely to be taken into consideration at the next session. A copy has been received of one other Bill designed to deal with the Water Hyacinth pest and this will be introduced at the next session. The object is to make it compulsory for the owner or occupier of land to destroy and eradicate the weed wherever it appears.

(*ii*) *Financial Business*—

8. A statement is annexed showing the demands for grants which have been refused wholly or partly by the Council. In view of the financial situation of the province during the last three years, it can hardly be denied that the Council has shown remarkable moderation in dealing with the demands of Government. The statement calls for little comment, but it will be seen that the grants for the Civil Police and the Assam Rifles suffered most.

The largest cut was the reduction of the demand for Rs. 1,74,000 for increasing the Armed Police Reserve to Rs. 87,000 in March 1922. The reduction of this demand gave both the Government and the Council an opportunity of reconsidering the position, with the result that at the September session of the same year the former were able to ask for a supplementary grant of only Rs. 43,000 in the place of the Rs. 87,000 which had been cut out, whilst the Council passed the demand for this reduced amount. There was a motion for reduction when the supplementary demand was presented, but it was withdrawn after discussion. In the case of the rejection of the demand for Rs. 50,000 for commencing the construction of a Central Jail at Jorhat the Member in Charge in view of the financial stringency accepted the motion for reduction. In the case of the rejection of the demand for Rs. 30,100 for the construction of a museum, and of the provision for the continuation of the fruit growing experiments carried on in Shillong, it must be admitted that in view of the state of the provincial finances the Council had justification for their action.

As regards motions for reduction which did not succeed, the most important were the attempts to reduce the provision for the salaries of Ministers which have been made in each year of the life of the Council.

In 1921 the motion for the reduction was defeated by 31 votes to 8, but in the following year the financial position having become worse there were 15 votes for reduction and 18 against. The Government bench voted against the reduction, but the representatives of the tea industry were in favour of it. This year the motion for reduction was again defeated (by 13 votes to 9), but this was largely due to that fact that His Excellency the Governor had announced that until the next general election he would not fill the vacancy which had occurred owing to the death of one Minister, and that the surviving Minister had undertaken to administer the departments formerly in charge of the deceased Minister in addition to his own. It was felt that in these circumstances it would be unfair to reduce the salary of the remaining Minister, and the tea planter members voted against the motion.

During the last two years the debates show that reaction has set in against the old feeling that Indians should receive the same remuneration as Europeans. It is acknowledged that the latter should receive higher emoluments because they are serving in a strange land and have to incur expenses which are not obligatory for the Indian. "Indianisation" of the services is strongly advocated but only on the condition that the salaries of Indians should be reduced.

The fact that there was practically no reduction of any demand for grants in the current year's budget was due to the recognition of the fact that retrenchment had been effected as far as possible, and several members expressed appreciation of the sweeping reductions which had been effected in the estimates of the Police Department.

The general attitude of the Council towards Government in financial matters is in accordance with the friendly relations which have always prevailed between the services and the public in Assam. A good many members seem to come to the Council fully primed by constituents interested in politics and utter bitter denunciations and criticisms of Government in the general debate on the budget; but when the demands for grants are put to the vote they are not difficult to convince when the Government are able to put forward a good explanation, and they seem genuinely anxious to avoid embarrassing Government by refusing supplies which are really needed. There has been no trace of an intention to vote against a grant merely for the sake of annoying or embarrassing Government.

The Council has not taken any action in the direction of enforcing or extending its financial powers. In the last session a member gave notice of a motion for a nominal reduction of the provision under a minor head, the real intention being to challenge a non-voted item included in the provision, but the President disallowed the motion when the real intention became apparent.

In consequence of a resolution which had been passed in Council a Committee was appointed by Government in 1921 to advise whether retrenchment could be effected by the abolition of certain specified posts which had been specially mentioned in the course of the debate on the resolution. Its report was presented in 1922, and a number of its recommendations have been accepted by Government.

Proposals which would have, if adopted, the effect of increasing the permanent expenditure of the province are still frequent, and resolutions

are still passed urging the claims of different classes of Government servants to increased rates of pay. It is evident that the old idea still persists that the resources of Government are unlimited, and that it is the duty of the non-official member to get as much out of the public exchequer as possible for each and every section of the community.

(iv) *Resolutions and questions*—

9. Since the opening of the reformed Council notice of 163 resolutions has been received, of which 20 were disallowed and the rest entered on the list of business. Those entered on the list were either discussed or withdrawn without discussion, and no resolution had to be left over at the end of the session for want of time. The following statement shows the number of questions of which notice was given and the manner in which they were dealt with :—

| | Number of questions of which notice was given. | Number of questions disallowed. | Number of questions admitted. | Number of questions answered. | Number of questions which Government refused to answer. |
|---|---|---|---|---|---|
| 1921— | 773 | 35 | 38 | 738 | 9 |
| 1922— | 442 | 24 | 18 | 407* | 7 |
| 1923— | 227 | 50 | 77 | 170† | |

*Replies to 10 questions were given in 1923 and reply to one question was not given as the member concerned was absent.

†Replies to 7 questions were not given as the member who put the questions was absent.

Of the resolutions disallowed twelve were disallowed by the Governor under rule 22 (1), one of his own motion and the remaining eleven on the recommendation of the President. The resolution disallowed by the Governor of his own motion is of some interest as it was a recommendation to Government to increase the President's salary. His Excellency held that, as the power of fixing the President's salary is given by section 72-C of the Government of India Act to the Governor, the question is not one which is the concern of the local Government. The other resolutions disallowed under rule 22 (1) related to central subjects or to political questions which had no special connection with the interests of the province, and call for no comment. The remaining eight resolutions were disallowed by the President for non-compliance with the requirements of the standing orders.

The following were perhaps the most important resolutions brought forward :—

(*i*) recommending the appointment of a Committee to report as to the economies which could be effected by the abolition of unnecessary appointments ;

(*ii*) recommending legislation to make primary education free and compulsory ; (it was in consequence of this resolution that the Primary Education Bill already mentioned was drafted) ;

(*iii*) recommending the separation of the executive and judicial ; (Government undertook to work out a scheme, but the financial position of the province and the increased expenditure involved prevented action being taken on the scheme when worked out) ;

(*iv*) recommending legislation to empower Local Boards to impose taxes on carts and carriages ; (a Bill is now in course of preparation with this object) ;

(*v*) recommending the removal of the sex disqualification imposed by rule 7 (1), proviso 2 of the Assam Electoral Rules ; (this was withdrawn after an interesting debate, the sense of the Council being clearly unfavourable to the proposal).

A resolution was passed asking Government to lay before the Council at the commencement of each session a statement showing what action had been taken on the resolutions passed during the previous session. Government declined to take the action suggested, but decided, in the case of any resolution adopted by the Council, to inform the mover what action on it had been taken by Government or whether Government did not propose to take any action.

The right of interpellation was at first exercised to excess. In the session of 1921 notice was given of no less than 516 questions all of which were answered. In his prorogation speech on the 28th of September 1921, His Excellency Sir William Marris complained of the large number of questions, and drew attention to the great amount of work thereby thrown on Government officers. Since then there has been a great improvement, and the rules have been more strictly enforced by the Council Department. This year, following the practice introduced in Bombay and observed to some extent in Bengal, questions which are in fact recommendations to Government to take definite action and not requests for information have been disallowed. The tone of the questions was on the whole fair and reasonable, though recently one member sent in questions which were offensive. The wording of the questions was in many cases very defective, and it was frequently necessary for the office or the Secretary to correct mistakes in grammar or to revise the wording in order to make the point intelligible.

(v) ***Miscellaneous—***

10. There has been no motion for the adjournment of the Council under rule 11 of the Assam Legislative Council Rules, nor has there been any proposal for the amendment of the standing orders. The rules and standing orders have been found to work well, and there have been no complaints of inconvenience on the part of non-official members. The reason perhaps is that the number of resolutions has hitherto been so small that there has never been any difficulty in getting through the whole list within the time allowed for non-official business. Some defects have been felt on the official side, but it has been considered that it would be unwise to raise the question of amending the standing orders until some non-official member makes a motion which will have the effect of bringing the whole matter up. For example the standing order reproduced from the rules of the Assam Council and not found in the standing orders of any other Council, that the Council reports should be published in the Assam Gazette, has been found inconvenient. Again under a standing order only two clear days' notice is required of amendments to Bills. This is insufficient, and in the case of an important Bill, such as the Municipal Bill, it is almost impossible for the Council Department or the administrative department concerned to deal with amendments at such short notice. The President has followed the ruling of the Deputy President of the Indian Legislative Assembly in interpreting the words " the meeting at which the Bill is to be considered " to mean the first day on which the Bill is to be considered.

An expert has been nominated under section 72-A (2), proviso (*b*), in only one instance. This was in the case of the Municipal Bill, when the Legal Remembrancer and Secretary in the Legislative Department was nominated as a member for a period of three months for the purpose of that Bill which he had drafted and with the complicated provisions of which he was well acquainted. As has already been stated there was no serious opposition to any of the provisions of the Bill, and consequently comparatively little advantage was derived from the assistance of the expert member.

(a) *The extent to which the Councils represent and react on current public opinion—*

11. Outside the educated part of the population it cannot be said that public opinion in a political sense exists in Assam, and individual members have usually been elected rather on personal than on political grounds. The Council, however, probably represents fairly correctly the opinion of one section of the educated, namely the moderate party. Generally speaking, it is doubtful whether the proceedings of the Council arouse much interest among the educated public outside the Bar Libraries, and its influence on current public opinion is probably at present not considerable. It should, however, be added that as a rule, the Muhammadan population of the province is united on matters affecting them as a class; and that in regard to such matters the Muhammadan members of the Council do represent Muhammadan public opinion.

(b) *The extent to which and by what means relations have been maintained between members of the Councils and their constituencies—*

12. Members at times profess to attach importance to having an opportunity of ascertaining the views of their constituents, but in fact, although no doubt they have consulted individual supporters, they have so far made little or no attempt to maintain relations with their constituencies in the mass, to ascertain their views or to educate them in political matters. Political meetings have been left almost entirely to the anti-Government agitators, and so far as is known, no case has occurred of a member of Council addressing a public meeting of his constituents.

(c) *The formation on political lines of groups or parties within the Councils, and how far these coincide with or traverse purely communal lines of cleavage—*

13. The Council has suffered in one way by the abstention of the more extreme politicians from the first election, and the consequent return of members belonging—in so far as they can be said to belong to any political party—only to the moderate party. The only well marked lines of cleavage within the Council are either communal or local—between Hindus and Muhammadans and between residents of the Brahmaputra and of the Surma Valleys ; and these divisions show themselves only when the interests of the two communities or of the two areas are thought to clash. The small group of members representing the tea industry naturally hangs together, and more often than not supports the Government.

(d) *The institution of what may be broadly called conventions of procedure as between the Legislature and the Executive Government or the Governor, as, e.g., the grounds for the disallowance of resolutions and questions ; the appointment of Commissions and Committees and the scope of their enquiries ; and, within the Councils themselves, the institution and growth of a parliamentary practice and tradition—*

14. Arrangements for the conduct of Government business are made by the President in consultation with Government, and are accepted without question by the members of Council. It can hardly be said that any conventions of procedure have grown up in connection with the grounds for the disallowance of resolutions and questions. Recently the Government drew the attention of the President to the number of questions which were not requests for information but suggestions or recommendations to action, and such questions are now disallowed.

Owing perhaps chiefly to the smaller size of the Council and the Assam tradition of friendly relations between the executive and the people, the personal relations between the members of the Legislature and the members of the Executive Government are probably closer than in most other provinces. The Council had the advantage of commencing its life with a President, in the late Mr. J. C. Arbuthnott, C.I.E., whose special qualities secured for him the universal respect of, and unquestioning obedience from, all members. A high tradition of dignity and decorum was thus established and seems likely to continue.

(e) *The institution, whether on the part of Government or of parties within the Councils, of any form of party organisation, the issue of whips, consultation as to the concerted attitude to be taken on particular measures, appointments or election to committees, the priority to be given to particular items of Council business and so forth—*

15. As has already been stated, there have hitherto been no definite parties. There has been consultation as to the concerted attitude to be taken on particular measures, but this has been occasional and unorganised and the groups thus co-operating have varied with the measures under discussion. The Council as a whole has consistently recognised the claim of different classes and communities to be represented on committees.

(f) *Prominent party leaders, their policies and adherents—*

16. Some members are naturally more prominent than others, but none of them have any special following, and it can hardly be said that any of them have any distinctive policy.

C.—THE CONSTITUENCIES AND THE PUBLIC.

(i) *The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye elections to the total number of voters on the register—*

17. The total population of the province is 7,606,230, and the number of enfranchised persons (202,440) represents a percentage on this of 2.66 only. If the population of the hill districts and frontier tracts, which are not directly represented by election, are excluded the percentage is 2.9. The number of votes recorded at the general election for general constituencies was 33,352 or 16.47 per cent. of the electorate. Only 21 however out of the 33 general constituencies were contested, and on the average between 24 and 25 per cent. of the electors for these 21 seats came to the poll. The highest proportion of polling was in the Hailakandi (non-Muhammadan) constituency where 60 per cent. of 998 voters polled. The next was in the Shillong urban constituency where the percentage was 49. These were small constituencies, and amongst the larger ones Dibrugarh (non-Muhammadan) shewed up best with a percentage of 41 on an electorate of 10,429. There have been seven bye-elections in general constituencies, six of them being contested ; and at these seven bye-elections the percentage of voters who recorded their votes was 13.39.

(ii) *The interest evinced by the constituencies and the public in the work of the Councils—*

18. As might be expected from the state of political education amongst the masses and the personal grounds on which members are usually elected, the constituencies generally know and care little about the work of the Council. Even amongst the educated there is a lack of interest in its proceedings unless some matter affecting them personally is under discussion. Political interest has during the life time of the present Council been absorbed almost entirely by the Non-co-operation and Khilafat movements, and the Council has taken little direct part in the controversies arising therefrom.

*(iii) The extent to which the formation of political groups or parties in the Councils is reproduced in or derived from the constituencies—*

19. There are no parties. In so far as members fall into communal or local groups they reflect accurately the wishes of the constituencies, which are themselves based both on communal and on local divisions.

*(iv) Electoral organisation in the constituencies, political programmes, parties and party funds—*

20. So far there has been no electoral organisation in the constituencies, no political platform, no party funds or machinery. Candidates have been elected almost entirely on personal grounds, and have depended generally on their local influence and to some extent on the canvassing of their relatives and friends immediately before the election.

*(v) The influence of the Press on political and public opinion, and the promotion of organs of the Press supporting the view of particular groups or parties in the Councils—*

21. The Press in Assam is represented by a small number of weekly newspapers, usually in financial difficulties and taking their tone for the most part from the vernacular and anglo-vernacular Press of Bengal. The " Janasakti ", a Bengali paper published at Sylhet and representing the extreme views of the Congress and Khilafat parties, is reported to have a good deal of influence ; it is noteworthy that this paper devotes little attention to the proceedings of the Council. For the most part the influence of the local Press is small even amongst the educated section of the urban population. There has so far been practically no co-ordination between the activities of the Press and the views advocated in the Council.

D.—Political Agitation and Parties Outside the Reforms Scheme.

22. The non-co-operation movement and the measures taken by Government to deal with it, the additional expenditure incurred in the preservation of law and order, the use of emergency enactments such as the Criminal Law Amendment Act (XIV of 1908) and the Seditious Meetings Act, and the treatment in jail of so-called ' political ' prisoners naturally engaged a good deal of attention in Council. For the most part intervention on these subjects took the form of questions. Many of these were not outside the scope of a genuine desire for information ; one or two were apparently directed to pointing out the failure of the non-co-operation movement ; some certainly seemed to be aimed at advertising its successes or embarrassing Government or otherwise showed sympathy with the adherents of the movement.

A resolution was moved in March 1922 for the withdrawal of " repressive " measures and the release of political prisoners, but it secured little support and was withdrawn without being put to the vote. Supplies to meet the additional expenditure incurred in police operations in connexion with the agitation were voted with little opposition. The provision for a substantial increase of the armed police reserves which was included

in the budget for 1922-23 was indeed reduced by the Council by half ; but later in the year in circumstances which have already been explained the Council accepted a compromise and voted so much of the balance as Government considered to be absolutely necessary. Generally speaking, it may be said that the members with hardly an exception disapproved of the non-co-operation movement, and, although many of them were unhappy about the measures that the Government were compelled to take, there was a general recognition of the difficulties with which the Government were faced and an almost complete absence of attempts to add to these.

It is probable that most of the men of influence amongst the non-co-operation and Khilafat parties will attempt to enter the Council at the next election. How far the new candidates will succeed in displacing the present moderate members it is not easy to say. The position of some of the old stagers of the present and the old unreformed Councils is likely to be assailed by younger politicians of the moderate school as well as by members of the extremist party. The older and formerly the more influential Assamese dislike extremely the idea of canvassing for votes and the other necessary features of a contested election ; but the younger members of the present Council who have for the first time come to the front are likely to fight to the utmost to avoid being unseated. The " Swarajya " candidates will probably have at their disposal the whole of the local Congress and Khilafat organisations, and in addition a few of them are men of standing and local influence. Some of them at any rate will certainly find their way on to the new Council. How far their presence there will change the character of the proceedings it is not easy to say. They will form a compact party with a regular organisation, a definite policy and probably a definite programme.

The activities of the extreme parties have not been considerable on local bodies in Assam. Several municipal commissioners and a few members of local boards have been removed on conviction for offences connected with the agitation. The non-official members of one municipality resigned in a body in consequence of a disagreement between the Chairman and the Deputy Commissioner in connexion with the visit of Mr. Gandhi to the town in 1921. Mr. T. R. Phukan used his influence as Chairman of the Gauhati Municipality to promote *hartals* and generally to further the objects of the non-co-operation movement. Non-co-operators standing as such, however, have made no serious attempt to capture local bodies at the elections, and such as have stood have not been conspicuously successful.

*Motions for reduction of grants carried during 1923.*

| Serial No. | Motions. | Opposed by Government. | Accepted by Government. | Result of division, if any. |
|---|---|---|---|---|
| 1 | That the lump provision of Rs. 1,200 under " 26—Police (other than Assam Rifles) " made under the head ' village police ' as miscellaneous expense be omitted. | .. | Accepted. | |

The demand for Rs. 18,58,000 for the administration of the head " 22-General Administration " was reduced to Rs. 18,28,000 in view of the decision to keep one of the posts of Minister vacant for the remaining portion of the present term.

*Motions for reduction of grants carried during 1922.*

| Serial No. | Motions. | Opposed by Government. | Accepted by Government. | Result of division, if any. |
|---|---|---|---|---|
| 1 | That the provision of Rs. 13,000 under "26—Police (Assam Rifles)" for recruiting charges be reduced to Rs. 2,000. | .. | .. | .. |
| | The motion was adopted in the following amended form :— | | | |
| | "That the provision of Rs. 13,000 for recruiting charges be reduced to Rs. 5,000. | .. | Accepted. | |
| 2 | That the provision of Rs. 50,000 under "25-Jails and Convict Settlements" for construction of a central jail at Jorhat be omitted. | .. | Accepted. | |
| 3 | That the provision of Rs. 1,74,000 under "26-Police (other than Assam Rifles)" for increasing the Armed Police Reserve be reduced to half. | Opposed .. | .. | Carried by 20 votes to 17. |
| | Out of the sum reduced Rs. 43,000 was restored by the consent of the Council. | .. | .. | .. |
| 4 | That the sum of Rs. 7,500 under "26-Police (other than Assam Rifles)" provided for Secret Service expenditure be reduced by Rs. 2,500. | Opposed .. | .. | Carried by 20 votes to 14. |
| 5 | That the sum of Rs. 18,000 under "41-Civil Works" provided for Assam Allowance under 'construction' be omitted. | Opposed .. | .. | Carried by 23 votes to 14. |

No expenditure rejected by the Council was restored under the provisions of section 72-D of the Government of India Act.

*Motions for reduction of grants carried during 1921.*

| Serial No. | Motions. | Opposed by Government. | Accepted by Government. | Result of division, if any. |
|---|---|---|---|---|
| 1 | That the lump provision of Rs. 80,000 under "22—General Administration" for increase in Governor's perquisites be reduced to Rs. 40,000 | .. | Accepted. | |
| | This sum (Rs. 40,000) was subsequently added to the estimate under "31—Education" (Transferred). | .. | .. | .. |
| 2 | That the grant of Rs. 11,000 under "22—General Administration" for steamboat establishments for Commissioner, Assam Valley Division be omitted. | Government left the question for decision by the Council. The motion was adopted. | .. | .. |
| | This sum (Rs. 11,000) was subsequently added to the estimate under "41—Civil Works—Incharge of Public Works Officers" (Reserved) the Council having agreed to the launch being made over to the Public Works Department. | .. | .. | .. |
| 3 | That the provision of Rs. 22,128 under "26-Police (Assam Rifles)" for recruit boys and recruits be reduced by Rs. 10,000. | Opposed .. | .. | Adopted. Ayes 21. Noes 19. |
| 4 | That the grant of Rs. 30,100 under "30-Scientific Deptts." for the construction of a provincial museum at Gauhati be omitted. | Opposed .. | .. | Adopted. Ayes 19. Noes 17. |
| 5 | That the grant of Rs. 14,062 under "34-Agriculture" for LaChaumiere Fruit Garden be omitted. | .. | .. | .. |
| | The motion was adopted in the following amended form :— | .. | .. | .. |
| | "That the grant of Rs. 14,062 for LaChaumiere Fruit Garden be reduced by Rs. 7,000 so as to give the Government a period of six months within which the garden is to be disposed of and it is no longer to be a charge on public revenues." | .. | .. | .. |

No expenditure rejected by the Council was restored under the provisions of section 72-D of the Government of India Act.

## GOVERNMENT OF ASSAM.

Letter No. 1057-C., dated 21st August 1923.

From—The Chief Secretary to the Government of Assam,

To—The Secretary to the Government of India, Home Department.

In continuation of my letter No. 870-C., dated the 2nd July 1923, submitting a report on the working of the reformed constitution in Assam, and with special reference to paragraph 8 thereof, I am to report that a supplementary demand of Rs. 1,52,656 was submitted to the Legislative Council on the 14th August for resettlement operations in two of the temporarily settled districts of the Assam Valley. It was explained to the Council that the current settlement of these districts expired on the 31st March 1925 and the 31st March 1926, and that if the loss of revenue to which Government were legitimately entitled was to be avoided it was essentially necessary that the operations should start during the coming cold weather. The Council however refused to vote the demand. There can be no question but that the action of the Council was based entirely on the apprehension of Members that capital would be made by their opponents at the forthcoming elections of the fact that they had voted supplies for resettlement operations. In view of the financial position of the province and the serious interference which the postponement for one year of operations in these two districts would cause to the general programme of resettlement in the province, His Excellency the Governor considered it necessary to certify the expenditure under proviso (*a*), section 72 D (2) of the Government of India Act.

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# East India (Constitutional Reforms)

## Reforms Enquiry Committee, 1924.

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nor we would be justified in considering changes in that constitution until they were in possession of the information which our investigation would place in their hands. In 1919 Parliament, after the fullest consideration, laid down a scheme, transitional in its nature, but nevertheless carefully devised with a view to effecting the steps necessary for the progressive realisation of the ideal embodied in the prelude to the Act. It is not to be supposed that the British Parliament would be lightly inclined to consider changes in that constitution; it is bound to concentrate attention for the present on such imperfections in its working as may have been disclosed by the experience of the last three years. I said we have carefully considered our position again, and we hold to that position in detail—save in one respect. If our inquiry into the defects of the working of the Act shows the feasibility and the possibility of any advance within the Act,—that is to say, by the use of the rule-making power provided by Parliament under the Statute, we are willing to make recommendations to this effect. But, if our inquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and separate issue on which Government is in no way committed. To that extent the scope of our inquiry goes somewhat beyond that originally assigned to it; but I must again emphasise the fact that it does not extend beyond that scope to the amendment of the constitution itself".

2. The purpose of this reference is to initiate the enquiry referred to in the extracts cited in the preceding paragraph. In reference to the general scope of the enquiry it is perhaps unnecessary to state that neither His Majesty's Government nor the Government of India propose to depart from the statement in the preamble to the Government of India Act of 1919 to the effect that progress in giving effect to the declared policy of Parliament can only be achieved by successive stages. A transitional constitution such as that for which provision is made in the Act, necessarily involves some anomalies and many constitutional difficulties. Some part of the complaints so commonly made against the system now in force may legitimately be traced to this fact. But it must equally be recognized that many difficulties flow, not from the transitional character of the constitution, but from the circumstances in which that constitution has been set at work. Among these must be reckoned the immaturity of an electorate newly admitted to the franchise, the tendency for political grouping to follow, at the outset, the familiar lines of communal interests, the lack of an accumulated stock of experience in the responsibilities of administration and the legacy of profound disturbance and disorganisation in the fabric of society bequeathed by the war. The Government of India consider that the most profitable course to adopt, and one likely to be most helpful to His Majesty's Government, would be to present in the first place an actual picture of the working of the system in the last three years, both in the legislative and the administrative sphere, attempting to separate as far as possible features of the situation which appear to be due to temporary causes or circumstances and those which may be held to be due to characteristics of a different

description. It would be impossible to base on the experience of the last three years any judgment of more than temporary validity as to the suitability of institutions such as the Act envisages to the needs and capacities of India; but a clear and discriminating appreciation of the present position will afford material not only of great value for the present purpose, but of the highest use for those who will have to reassess the position when Parliament appoints a Statutory Commission.

3. The object of the present enquiry is not, however, merely to obtain a clear picture of the present situation. The basis of the investigation should be the determination of the difficulties arising from, or the defects inherent in, the working of the present transitional constitution; but it is desired, in broader and more general terms, to see how far the situation can be improved without taking measures so far-reaching as to involve fundamental changes in the policy and purpose of the Government of India Act. The Government of India do not desire to restrict unduly the character of such proposals or to place too narrow an interpretation on the terms in which local Governments should commit themselves to the enquiry, subject always to the major limitations laid down above and particularly in the public pronouncements in the Indian Legislature which have been cited.

4. Efficiency in the working of this constitution, and increased contentment with its conditions may be attained either by changes in the rules under the Act, or, it may be, by such changes in the detailed provisions of the Act as are not barred by the limiting considerations above referred to; or they may be sought in an advance towards a further stage of constitutional development. The limitations which have been set on the latter process by His Majesty's Government have already been defined in the extract from the speech of the Home Member dated 18th February. Those limitations restrict the scope of enquiry in this direction, but the Government of India desire that any possibilities within the field so defined may be fully explored. They would remark, however, that the question of action which can be taken under section 96-B of the Act, with the view of giving control over some of the services to the Executive Governments or legislatures in India is closely connected with the work of the Royal Commission on the Services which is now formulating its recommendations. They cannot anticipate those recommendations and must await the report of the Royal Commission before dealing with this subject.

5. In his announcement in the House of Lords on the 26th of February 1924, His Majesty's Secretary of State for India stated that "His Majesty's Government, while they are open to consider any practical proposals, are not yet satisfied as to what may be the best means for establishing that closer contact and better understanding that is so manifestly desirable. Some means of arriving at that closer contact must, they are convinced, be sought, and they hope after due consultation with the Government of India to be able with the least avoidable delay to decide upon the means they will desire to adopt". In view of this statement the Government of India consider it necessary to observe that the enquiry at its present stage is intended to be an official enquiry, and they attach great importance to its being carried out with the utmost possible expedition. Having regard to the momentous issues involved, they are reluctant to impose any limit of time but they trust that the Government of Madras etc. may be able etc. to despatch its reply by the end of June.

6. The Government of India propose to make subsidiary references to the Government of Madras etc. dealing with certain specific difficulties in the working of the constitution which have been brought to their notice. In order, however, to facilitate the co-ordination of the replies received from local Governments to the present letter, which should not be delayed on account of these subsidiary communications, I am to request that the report of the Government of Madras etc. may, with the permission of His Excellency the Governor in Council, be as far as possible arranged so as to indicate with separate reference to the various Sections of the Government of India Act and the Statutory Rules in point the difficulties which have arisen, their causes and the remedies proposed?

# MADRAS.

No. 532, dated Camp Ootacamund, the 28th July 1924.

From—N. E. MARJORIBANKS, Esq., C.S.I., C.I.E., I.C.S., Chief Secretary to the Government of Madras,

To—The Secretary to the Government of India, Home Department.

I am directed to reply to letter no. F.-166-Pub., dated the 8th of April 1924, from the Government of India on the subject of the working of the existing constitution.

2. The letter under reply begins by quoting certain speeches in the Legislative Assembly in which the Hon'ble the Home Member undertook on behalf of the Government of India to investigate justifiable complaints against the working of the scheme in practice, to assess the causes and to examine the remedies necessary, and states that before His Majesty's Government could consider the question of amending the constitution, as distinct from such amendments of the Act as are necessary to rectify any administrative imperfections, there must be a full investigation of any defect or difficulties which may have arisen in the transitional constitution. It proceeds to state that if the inquiry into the defects of the working of the Act shows the feasibility and possibility of any advance within the Act, that is to say, by the use of the rule-making power provided by Parliament under the Statute, the Government of India are willing to make recommendations to that effect, but that if the inquiry shows that no advance is possible without amending the constitution, then the question of advance must be left as an entirely open and separate issue on which Government is in no way committed. In defining the purpose of the reference the Government of India make it clear that there is no intention to depart from the statement in the Preamble to the Government of India Act, 1919, to the effect that progress in giving effect to the declared policy of Parliament can only be achieved by successive stages, and point out that some of the complaints made against the system now in force might legitimately be traced to the fact that a transitional constitution necessarily involves some anomalies, while others might be attributed rather to the circumstances in which the constitution has been set to work than to its transitional nature. They are of opinion that the most profitable course to adopt would be to present in the first place an actual picture of the working of the system in the last three years, with an attempt to separate as far as possible features of the situation which appear to be due to temporary causes or circumstances and those due to characteristics of a different description. They add that the basis of the investigation should be the determination of the difficulties arising from, or the defects inherent in, the working of the present transitional constitution, but desire in broader and more general terms to see how far the situation can be improved without taking measures so far-reaching as to involve fundamental changes in the policy and purpose of the Government of India Act. They suggest that efficiency in the working of this constitution and increased contentment with its conditions might be attained either by changes in the rules under the Act, or, it might be by

such changes in the detailed provisions of the Act as are not barred by the limiting considerations referred to in the speeches quoted, and ask for an exploration of the possibilities within the field so defined.

3. The Government of Madras have since received a further communication, dated 28th June, giving cover to a memorandum which has been prepared for presentation to the new Reforms Committee This memorandum sets out the legal and constitutional possibilities of advance within the Government of India Act and so defines with greater precision the limitations placed on the inquiry to be undertaken. Inasmuch as 'advance within the Act' is generally taken to imply the transfer of subjects now reserved to the charge of Ministers and to the control of the Legislative Council, special importance must be attached to the dictum that the limitation upon the increase in the number of transferred subjects is to be found in the fact that the Act provides for a reserved side of the Government, that is, that the number of transferred subjects could not be increased to such an extent as to be inconsistent with the policy and purpose of the Act.

4. In Mr. Lloyd's letter of the 16th July 1923, an attempt was made to summarize under various heads the history of the development of the Reforms scheme in actual working during the preceding three years. I am now to enclose as an Appendix (1) a revised edition of that letter, in which the provincial record of facts, in so far as the progress of the Reforms is concerned, is brought up-to-date. The letter of last year contained little discussion or analysis of general tendencies or results, and scarcely any attempt at an appreciation of these, and, in revising it, no attempt has been made to modify it in this respect. It appears to be preferable and simpler to embody such comments in the present reply, and thus to present, in due perspective, the 'picture' of the working of the Reforms scheme which the Government of India desire. The sketch must in the nature of the case be in broad outline and must ignore many points of important detail, but if a fairly correct presentation can be made of the position on broad lines, it will be an easier task to indicate in what directions progress is possible, and how far it may be achieved within the general limitations which the Government of India have laid down.

5. One of the principal features in the picture, to which I am first to draw attention is the financial one. It is to the financial difficulties under which the Province has been labouring since a period shortly antecedent to the introduction of the new constitution that much of the popular disappointment with the results of the Reforms has been due. Had this been otherwise, it would have been possible to place Ministers in funds for the benefit of the 'Nation-building' departments and, in proportion as visible results were shown, the reality of the transference of power, and the possibilities of the new constitution as affording a means of definite and real progress would have been more apparent.

6. It must be remembered that when the diarchy scheme was first mooted a considerable and perhaps the most vocal portion of Indian political opinion declared that the proposals were inadequate, unreal and unacceptable at a later stage, the more moderate view prevailed, but the extremist opponents have never been silenced and in the effect of the financial straitening of the provincial resources, though due in great measure to causes quite unconnected

with the Reforms or with diarchy, they found ready to their hand a formidable weapon of attack; nor were they content to use it alone; they proceeded to increase its effectiveness, and by the employment of the methods of non-co-operation under the guise of temperance they succeeded in 1921-22, in reducing the yield from Excise (the principal Revenue head 'transferred' to Ministerial control) by about Rs. 80 lakhs. In the following extract from a memorandum on the financial position of the Province prepared by the local Finance Department, a brief account is given of the course of finance since the year before the introduction of diarchy with effect from 1st April 1921. It will be seen that the Province entered on the unexplored waters of diarchy with a Provincial balance reduced almost to a nominal figure which was completely swallowed up by the deficit of the first year of the Reforms; and, if in subsequent years a precarious equilibrium of expenditure with revenue has been attained, this has only been possible by the most drastic retrenchment in all departments, reserved and transferred alike; it has been impossible for Government in either department to justify the hopes which the introduction of the Reform scheme had awakened. The extract referred to is appended :—

"The financial position of this Presidency has been in a straitened condition since the introduction of the Reforms on the 1st of April 1921. The worsening of our position can be traced back to the year immediately preceding the Reforms, as will be seen from the closing balances of the three years 1918—21 shown below :—

| Year. | Closing balance. |
|---|---|
| | LAKHS. |
| 1918-19 .. .. .. .. .. | .. 210·29 |
| 1919-20 .. .. .. .. .. | .. 205·93 |
| 1920-21 .. .. .. .. .. | .. 58·78 |

"The large reduction in the closing balance of 1920-21 was due mainly to the urgent necessity for the revision of the pay of all officers (both gazetted and non-gazetted) in the Presidency, which revision involved an immediate increased cost of Rs. 128 lakhs. The recurring liability on account of the revision of pay increased in the first year of the Reforms (1921-22) to nearly two crores. At the same time, there was a considerable set-back in revenue owing to the temporary success of the non-co-operation movement, which reduced the Provincial receipts from Land Revenue, Excise and Forest and increased the cost of the maintenance of law not only in Malabar but generally throughout the Presidency. In this year (1921-22), a series of retrenchments began. These resulted in the abolition of 60 gazetted appointments, 565 non-gazetted appointments, 4,765 constables, attenders and peons and about 7,000 of the village staff. The Department of Land Records was also abolished. In the Public Works Department no new works were undertaken, and as a consequence the posts of one Superintending Engineer, seven Executive Engineers, 22 Subdivisional officers, two hundred subordinates and 315 menials were abolished. At the end of the year the expenditure had exceeded the revenue to the extent of 98·72 lakhs. The excess was partially met by the opening balance of 58·78 but the further excess of 39·94 had to be covered by borrowing from the Government of India.

"2. When the budget for 1922-23 came to be framed, the Provincial revenues were still at a low ebb. The Legislative Council recommended an increase in the pay of the village headmen amounting to Rs. 35 lakhs a year, although they rejected the proposal to meet the extra cost by fresh taxation. In the same year a fituri broke out in the Gudem hills. The Government were therefore obliged, in order to secure additional revenue, to increase stamp duties, court-fees and registration fees. The year closed however with a deficit of 3·02 lakhs, excluding 14·25 due for repayment of loans, in the *Revenue Account*, which, as in the previous year, had to be met by borrowing.

"The year 1923-24 is expected to close with a small surplus (18·97) of revenue over expenditure in spite of the fact that the fituri has continued throughout the year and that

there has been famine in certain districts and floods and cyclone in others. This expected surplus, which compares with an estimated deficit of 29 lakhs, is due partly to further drastic retrenchments and partly to a small increase in revenue under the heads Land Revenue and Excise.

"3. In the current year a small surplus is also anticipated which is due to retrenchments of recurring nature already effected and to an estimated increase in receipts from Land Revenue and Stamps."

7. As a material cause contributing to the dissatisfaction widely felt at the working of the scheme, must be mentioned the deep sense of injustice, felt by all classes and parties in this Presidency, aroused by the decision on the scheme of provincial contributions, which has laid upon this Presidency a burden representing no less than 35 per cent. of the total of Rs. 983 lakhs to be contributed by the provinces to the Government of India, as compared with 24½ per cent. by the United Provinces, 18 per cent. by the Punjab, 6½ per cent. by Bengal and 5½ per cent. by Bombay. The initial sense of injustice has been markedly aggravated by the remission of its contributions granted for three years to Bengal, a measure the justice of which has never been admitted by public opinion in this Presidency.

His Excellency the Governor in Council does not desire in the present connexion to embark on a discussion of this controversy. It is sufficient, for the present purpose, to point out the result of the financial embarrassments of the Province, as they have affected the working of the Reforms, and popular opinion in relation thereto. Unless these embarrassments can be mitigated or removed, His Excellency the Governor in Council anticipates that no changes in the Reform scheme, whether in the direction of extending the sphere of Ministerial control or otherwise, will result in material improvement.

8. Reference has been made above to the hopes which had been aroused prior to and at the time of the introduction of the Reforms and to the disillusionment which, in many minds has been caused, by the experience of their working. It is desirable to point out that the disappointment has been the keener because of the idea widely present in the minds not merely of the less cultivated and non-political class but in those of a considerable proportion of the intelligentia, that the State is an entity apart from and independent of the people, and possesses independent resources of its own. Nothing was more noticeable in the pre-Reform Legislative Councils than demands for increased expenditure in every direction, for education, for sanitary measures, for medical relief and so on, coupled with an almost complete indifference to the question where the money was to come from, and, in fact, as a rule accompanied by equally pressing demands for reduced taxation. The pre-Reform system of finance no doubt contributed not a little to foster this habit of mind. Under that system of finance, Provincial Governments had no separate revenues of their own, and it had frequently been the practice of the Imperial Government to distribute out of their surplus large grants or 'doles' to the provinces; these were to a large extent passed on to local bodies with a correspondingly demoralizing effect on their sense of financial responsibility. With the introduction of the system provided by the Government of India Act of 1919, all this has been changed. Complete separation has been effected between the finances of the Central and the Provincial Governments, and the yearly budget lays before the Legislature and the public a clear and definite statement of both

the sources and the amount of the whole resources of the Government. No one, can doubt the salutary effect of the change in engendering the sense of financial responsibility, and giving reality to financial discussions ; and since the Government have been compelled, in their turn to readjust on analogous lines the financial relations between themselves and local bodies, the effect of the change in this respect has been extended to the important sphere of local self-Government.

9. The attitude of the Council towards proposals for taxation has been one of an increasing unwillingness to accept them. The Ministers are inclined to attribute this attitude to the fact that taxation in Madras is already heavier than in any other province and also to the circumstance that the Council has no power over the reserved departments on which the revenues may be spent, and they urge that the raising of revenue requiring the sanction of the Legislative Council has for this reason become impossible. That the new Councils might adopt such an attitude towards proposals for taxation emanating from the reserved side was in fact foreseen by the framers of the Reform scheme, who in consequence armed the Governor with special powers of certification. But it is significant that, although under the Act and Rules it is open to the Ministers to propose taxation for the purposes of transferred subjects, and although they have suffered like the 'reserved' half from the common financial stringency, they have not done so. His Excellency the Governor in Council cannot but think that they have not done so because they felt that they would have little prospect of success. At the same time, though His Excellency the Governor in Council is of opinion that the Legislative Council shrinks from the unpopularity which any one incurs who proposes additional taxation and that this rather than the existence of reserved subjects has been the main obstacle, he agrees that there is considerable force in the argument that this Presidency bears a heavier burden of taxation than other provinces. During the life of the first Council four taxation measures were proposed. Two of these the Council passed, *viz.*, the Bill to amend the Court Fees Act and the Indian Stamp Act, both with the object of finding increased revenue. A perusal of the debates on these measures, which took place in February and March 1922 indicates that the Council was impressed with and recognized the necessity of finding some source of revenue to meet, in part at least, the financial embarrassments of the Government. On the other hand, the Council threw out two other measures designed to re-impose the cesses in proprietary estates and ryotwari areas in order to carry out an improvement in the pay of the village officers. A resolution advocating this increase had been passed in August 1921 against the Government, when the debate disclosed a very strong desire in the Council to effect an improvement in the emoluments of these officers. The result has been to impose a large additional charge yearly on the Provincial revenues. A perusal of the debates indicates that, in pressing this measure, the Council had no very clear idea as to where the money was to come from ; some members seem to have expected that the cost could be found by retrenchment, and it is noteworthy that in many speeches, the theme of the excessive Provincial contribution was emphasised, some members expressing a hope that the Government of India would find it possible to remit a part of it, while others pressed the Government to urge more strongly the case of Madras on the attention of the Central Government.

Not only is new taxation in any form resisted but there is a further tendency to insist on measures, such as permanent settlement for ryotwari lands, and the reduction of the excise revenue, which can only have the effect of still further crippling the resources of Government. Those who advocate these policies have not so far produced constructive proposals for raising revenue to make good the inevitable loss.

10. On the whole, though the new financial system has undoubtedly influenced the non-official attitude and is leading towards a clearer general understanding of the true financial position, it must nevertheless be said that the habit of mind to which we have referred has not been wholly eradicated. Facts and figures from the budget fail to disturb the conviction that, somehow or other, the money can be found without additional taxation, deficits notwithstanding. In the course of the debates on the Court Fees Act and Stamp Act Amendment Bills, not a few speakers took the line that the proper course was to borrow freely for the purpose of cloaking the deficit, a method which is, of course, incompatible with sound finance. Others again both within and outside the Council have pinned their faith to measures of retrenchment, with little or no regard to the effect on the efficiency of the services affected. In particular, in respect of the superior all-India Services the idea has prevailed that, if only their numbers and pay could be reduced, or their entire abolition effected, all would be well and sufficient money could be found for many of the various schemes of advance which it is desired to promote. It is not proposed here to examine the question as to how far this idea is well-founded (actually the cost of these appointments was only about 3½ per cent. of the provincial revenues in 1922-23), or how far it has its origin in the animosity created by years of agitation. It is merely noted here as a feature in the situation, of which mention should not be omitted. It is a feature which has contributed not a little to the sense of alarm and insecurity which has pervaded the services; but while the dissatisfaction of the Council with their position towards the all-India Services is not in the opinion of His Excellency the Governor in Council, solely or even principally, due to theoretical objections based on the fact that the control over them is not vested in the Council, there is some reason for believing it to be due in no small measure to the more practical idea that a way of escape from financial difficulties has been closed, or at least impeded by that circumstance.

11. *The communal question.*—The question of a communal *versus* a general system of representation occupied much of the attention of the Southborough Committee so far as this Presidency is concerned. From the outset, communal feeling in the shape of the 'Brahman and non-Brahman' question has been of great importance, and assumed the practical shape of a revolt against Brahman monopoly of Government posts in all grades. The result of the first election was to return the non-Brahman party in an overwhelming majority to the Council, and the first use which the majority made of their power was to press for more favourable treatment of the non-Brahman class in the matter of admissions to and promotions in the various branches of the Public Service. Nor did the movement confine itself to Government service alone. It extended to the method of admitting students into Government Colleges of all kinds, and to the sphere of local self-Government in the matter of the appointment of

presidents of district boards. So far as the Government services were concerned, the movement tended towards something like the system of patronage which has given rise to well-known difficulties in other countries. Nor has the tendency been confined to the establishments under the 'transferred' departments. The orders passed as the result of pressure in the Legislative Council were applied, in equal degree, to those under the 'reserved' half of the Government, and the results of the policy have been apparent not only in the lower but in the highest appointments of the State. It was natural that, at the outset a people, accustomed to regard the officers of Government as the repositories of authority and Government employment as still offering one of the most eligible of careers, should attach special importance to the task of moulding the agency of administration more in accordance with their ideas of fairness and justice. With the wider application of the communal principle, motions and questions on the subject have, in recent months, been less frequent, but the feeling which promoted the movement has by no means died down. Communal feeling, however, has not been always confined to the issue of Brahman versus non-Brahman. There are signs of the growth among the so-called 'Untouchables,' the 'Adi-Dravidas' and Indian Christian community, of a feeling that they should combine for the protection of their interests and the vindication of their rights. The depressed classes number several millions of the population, but they have been unable to secure any of the ordinary seats in the Council, and depend for their representation on the Governor's nomination.

12. For the rest, His Excellency the Governor in Council has little to add to the picture of the development of parties and the party system which is presented in Mr. Lloyd's letter of 16th July 1923. Some progress has been made towards the understanding of the system of parliamentary government both by the representatives returned to the Council, and by those who exercised the vote; political education has begun and the population, both urban and rural, have become more articulate and to some extent more conscious of the meaning and value of the vote. But, the vote itself is exercisable only by a fraction, a little over 3 per cent. of the population, and of this fraction only about one-third have exercised it. The villager or ryot is beginning to realize that, in many matters, the old official authority is being displaced by the non-official; whether in all cases he welcomes the change is a matter of opinion. It cannot be said, however, that there are yet apparent signs of the division of parties according to political principles apart from the communal question and perhaps the theory of indiscriminate opposition to all proposals of the Government recently developed by some extremists. It is true that the division between Brahman and non-Brahman is not absolute, and that the motion of 'No-confidence' which nearly wrecked the Ministry in 1923 was moved by a non-Brahman, and that several non-Brahmans voted with the Opposition. In that debate, however, which by no means confined itself to the field of Ministerial administration, it can scarcely be said that the attack was based on differences of political *principle*. The main grounds of attack were that the Ministerial party had lost seats at the recent elections, that, in various respects, they had not rightly exercised the power of patronage, more especially in filling vacancies on local bodies with the object of gaining political control, and that, broadly speaking, they had not moved fast enough. In the debate on the question a

withdrawing from participation in the British Empire Exhibition, the principal ground advanced was the decision of the Government at Home on the Kenya question, a matter which can scarcely be said to divide politics in this Province. The solidarity of the original non-Brahman party indeed is not now as complete as at the outset; separate groups have tended to form themselves including non-Brahman elements; the Muhammadan and the Depressed classes representatives have tended to assume a more independent attitude. But, even among the politician class, the formation of such groups is not so much due to differences of political principle, as to either communal considerations or to the personal influence of individuals. Among the general body of the electorate, in a still greater degree, what really counts is personalities rather than principles. It is also worth noting, in assessing the progress in political development so far achieved, that by far the greatest part of the questions and resolutions tabled and discussed in the Council have related, not so much to matters of broad policy as to detailed questions of administration, affecting, not infrequently, particular places or the interests of comparatively small sections of the people; the fact is interesting as indicating that it is with such matters, at the present stage, that the voters concern themselves, rather than with varying political creeds. In Mr. Lloyd's letter attention was drawn to the same circumstance, as indicating that the Council had not yet commenced to discriminate between broad questions of policy and points of administrative detail. His Excellency the Governor in Council is disposed rather to infer from it that the latter interest the electors as much as, if not more than, the former. In election manifestoes, indeed, both of parties and individuals, there is no lack of general political 'planks,' but between one such programme and another it is difficult to discern such differences as indicate, in countries more politically advanced, the real existence of political parties. This result is no doubt largely due to the belief generally held that Government, is a common foe to be attacked by all parties and that in making such attacks a solid front is essential.

13. The foregoing comments may appear to bring into relief especially the shadows in the picture of the working of the Reforms. The brighter lights are deserving of equal, if not greater prominence. The Government in dealing with the difficult and dangerous crises arising from the Malabar outbreaks and the Khilafat and non-co-operation agitations have, on the whole, received loyal support from the Council and from the public of the province. Ministers, it is needless to add, have given their staunch support in this respect. The Council, for example, passed measures intended to strengthen the hands of Government in dealing with non-co-operation as it affected the Land Revenue administration; they passed, on the transferred side, a measure directed to compel members of local bodies to take the oath of allegiance and the Ministerial support of this measure, it should be noted, formed one of the grounds of attack on the Ministers and their supporters at the opening of the present Legislative Council; and they have accepted various measures which the Government was compelled to adopt for the strengthening of the police forces on the East Coast and in Malabar. The propaganda of the extremist party did, indeed, for some time find acceptance, more specially among the more ignorant population, influenced the more easily

by the adroit exploitation of local grievances, but when the Malabar rebellion with its disastrous accompaniments and consequences, revealed, as in a flash, the true direction in which these movements were leading, the good sense of the people and the Legislative Council, responding to the energetic efforts of the Ministers, rallied to the support of law and order. The result has been that, so far, the extremist politicians have obtained only a slight foothold and exercised even slighter influence, in the Legislative Council, and the Province has been so far spared the disastrous spectacle of unreasoning obstruction and administrative paralysis which has been presented elsewhere.

14. A matter which in the opinion of His Excellency the Governor in Council should not be left unnoticed is the working of the diarchic system as it has affected the Government itself, and in particular the working of the 'Cabinet' system as it has been developed in this Presidency. In paragraph 10 of Mr. Lloyd's letter it is pointed out that during the first two and a half years of the reformed scheme the Executive Council had met separately only on seven occasions, while, in the same period, no less than 114 'Cabinet' or joint meetings were held. As there stated the result of this system of joint consultation has been to secure a large measure of agreement, but it must be admitted that in so far as it tended to impose joint responsibility for the decision of the Government, it is inconsistent with the scheme of diarchy as visualized by the Joint Select Committee and as intended in the Act, and has been attended with some inconvenience.

15. Joint consultation between the two parts of the Government has from the first been laid down as essential and has not been without the advantage of increasing the influence of Ministers in the Councils of the Government and in extending that influence over the whole range of Government activities. It has also resulted, as the Ministers themselves would probably admit, in giving them the advantage of the steadying influence of the wider administrative experience enjoyed by their colleagues of the reserved half, and His Excellency the Governor in Council regards it as one of the most encouraging symptoms that Ministers have been ready to weigh well the advice thus given them, as well as that of the Secretaries and heads of departments under them. On the other hand it must be observed that, on the 'reserved' side, more particularly in correspondence with the Government of India, the attempt to obtain by compromise a formula which would represent the views of both parts of the Government has more than once led to the issue by the Governor in Council of letters which can hardly be said to represent the real views of the Governor in Council, while it may be imagined that, on their part, the Ministers have been not infrequently embarrassed in their relations with their party and with the Legislative Council by the restrictions on their freedom of action induced not merely by the *advice* of their colleagues on the 'reserved' side (which was all that the system contemplated) but by the attempts to arrive at and carry out decisions of a Joint Government. It has indeed been suggested that such embarrassments are attributable to the system of diarchy as such. This argument appears only to be true in the sense that, if there had been no diarchy at all, these difficulties would not have arisen. It cannot be said that they are a necessary consequence of the diarchic system as formulated in the Act and Rules. If that system had been worked as it was intended to be worked, the Ministers in their own sphere would not have

been subject to these embarrassments. Numerous instances could be given of the difficult position in which Ministers have been placed by the attempt to work by a Joint Government what was intended to be diarchic.

16. The survey of the progress attained would not be complete unless it touched also upon what the Ministers have achieved. It is no small thing, that, at a time of grave unrest fomented by insidious agitation, they should have been able, as they have done, to steady public opinon and feeling. They have piloted through the Council a number of useful legislative measures; their activities in the important departments entrusted to them have had valuable results in arousing more interest in these subjects; in bringing administrative policy and methods into closer accord with the popular wish as expressed in the Legislative Council; and in educating, not themselves only, but their party and the public at large in a clearer perception of what is practically possible and what is not. Working, as they themselves have always admitted, in co-operation with, and with the loyal support of, the officials under them, they have been able to steer clear of many of the dangers which beset inexperienced administrators. Their moderation, in difficult circumstances, has enabled them to refrain from rash and doctrinaire experiments. Time is required to show whether serious mistakes have been made, but, even should it so prove, the work of the Ministers, in thus laying the foundation of a sane administrative tradition, will prove of value in correcting such errors. If they have not, in the view of some of their more impatient critics, been able to show in some directions tangible results, a cogent and immediate cause is to be found in the financial exigencies of the period through which the Province has been passing. What has crippled the Ministers and the Reserved Government alike has been not the limitations of diarchy but the proverbial want of pence.

17. The subject of the effect of the Reforms on the public services, both Imperial, Provincial and Subordinate, will be dealt with in discussing the recommendations of the recent report of the Lee Commission. The feeling of insecurity among many members of the former service has been already touched on, and also the general effects of the communal movement which has been specially felt in the ranks of the two latter services. For the purpose of the present examination, it is sufficient to observe that, as might have been expected, political pressure (which in the circumstances of the case is largely synonymous with communal pressure) in matters of patronage and the control of the public services, has been undeniably exercised, not infrequently to the no small embarrassment of the Ministers themselves. Of the results of the changes as affecting the efficiency of the various branches of the administration it is probably too soon to speak, although it must probably be admitted that the standard of efficiency in some departments has been lowered if we take for the basis of comparison the standard as accepted under the old regime. This result was foreseen by the framers of the Reforms scheme, and must be accepted. The results have been adequately summarized, so far as a summary is possible, in paragraph 28 of Mr. Lloyd's letter of July 1923. The examination of almost every branch of administration by mixed committees, with for the most part non-official majorities, has not indeed been conducive to promptitude, nor always to clarity of decision, but it has been of much educative value to both elements. The resulting policies have tended to be based increasingly upon compromise, and compromise though democratic, is frequently unsatisfactory from the standpoint of

administrative efficiency. It is interesting to note in passing, that in the administration of their affairs by local self-governing bodies, in which department more than in any other, administrative independence had been conferred by the Legislature during the year preceding the Reforms, signs are not wanting that local fund administrators are beginning to realize the value of the official advice and aid of which the boards were to a great extent deprived by the operation of those measures.

18. The above survey indicates in the opinion of His Excellency the Governor in Council that the transitional constitution has worked with a considerable measure of success in Madras. The habit of joint consultation on all matters has borne fruit in the smoothness of the administration; there has been little or none of the friction between the different elements constituting the Government which is believed to have hindered the working of the Reforms in other provinces and has eventuated in a complete breakdown in some; and if an earnest endeavour to work on constitutional lines is a qualification for political advance, His Excellency the Governor in Council has no hesitation in asserting that the Madras Presidency has shown itself fitter for an advance than any other province.

19. It is when the exact nature of the possible advance is considered that His Excellency in Council finds himself faced with difficulties. He has sought the advice of the Ministers as to the defects and difficulties in the working of the constitution which can be remedied by the use of the rule-making power provided in the Statute or by minor amendments of the Act he has received from them two memoranda (which are attached as Appendices III and IV) and has consulted them orally; as a result of these consultations he finds that, while they press for some changes in the relations between themselves and the Governor, which might be effected by a modification of the Governor's Instrument of Instructions and of the Devolution Rules and for a relaxation of the control of the Government of India over provincial legislation, they attach comparatively little importance to minor alterations of the Act and Rules. They insist—and in this there is no doubt that they reflect the opinion of the majority of the Legislative Council—that there should now be a complete transfer of all provincial subjects, though they are willing to allow some undefined safeguards in respect of the subjects of Finance and Law and Order. They claim this complete transfer both on the ground that nothing less will satisfy public opinion and on the ground that it is justified by the manner in which the Legislative Council has conducted itself in the past three years and by the state of the political education of the Presidency; and in default they are not prepared to accept the transfer of only some or all of the minor subjects.

20. His Excellency the Governor in Council is inclined to doubt whether opinion is as unanimous as the Ministers have been led to believe and he is not prepared to agree that the time has come for a complete transfer. Moreover he feels that the limitations laid down in the memorandum prepared for the new Reforms Committee, according to his construction of the utterances in Parliament on the subject of the policy and purpose of the Act, preclude this Government from discussing the transfer of the three fundamental subjects, which are (1) the administration of the land revenue, which connote

the general administration, (2) Law and Order including Jails and (3) Finance. There are other subjects of less magnitude to the transfer of which there may be no administrative objection, but in view of the standpoint taken by the Ministers and of the fact that, in the circumstances, the transfer of such subjects cannot be expected to do anything to allay agitation, His Excellency in Council considers that it is neither necessary nor expedient to discuss them.

21. Certain defects and difficulties which have come to the notice of departments of the Local Government in the working of the Act and Rules are dealt with in an Appendix (No. II) to this letter, and it remains only to deal with the points alluded to above which have been brought forward by the Ministers. For the reasons given in the preceding paragraph, His Excellency the Governor in Council does not propose to discuss those parts of their memoranda which are concerned with the transfer of subjects.

22. The Ministers draw attention to the fact that, in their view, the existing constitution, in so far as it lays down the relations between the Governor and the Ministers, does not tend to develop either joint Ministerial responsibility or Ministerial independence. They refer more particularly to section 52 of the Act, and they practically suggest that the Governor in 'transferred' subjects should be, ordinarily, bound by the vote of the majority in the deliberations of the 'transferred' half of the Government, just as he is ordinarily bound by the vote of the majority in the deliberations of his Executive Council. His Excellency the Governor in Council does not understand, however, that they go so far as to urge that Ministers should not be appointed by the Governor or should not hold office during his pleasure; if this is the intention, he is certainly unable to support it. Nor does His Excellency the Governor in Council consider it either necessary or desirable, in order to assist in the development of Ministerial independence or joint Ministerial responsibility, that the provisions of sub-section (3) of section 52 of the Act should be modified on the lines of sub-sections (2) and (3) of section 50. The provisions of sub-section (3) of section 52 contain nothing inconsistent with the development desired; the Governor, it is there said, is to be guided 'by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion', etc. It is rather the wording of the Instrument of Instructions, and of various passages in the Devolution Rules which seem to contemplate that the Governor is to act with *a Minister* and not with *his Ministers*. In so far as these documents contain provisions practically inconsistent with or detracting from the conception of joint responsibility of Ministers, there may be a case for their modification. So far as this Presidency is concerned, the difficulty is more theoretical than practical. The 'Cabinet' system to which reference has been made has tended to foster joint responsibility among Ministers involving, as it has done, the attempt to administer affairs as a 'joint' government. In other provinces, it is believed, Ministers were not usually chosen as representing a particular party and it is doubtful whether they could be so chosen now; instead of altering the Act, as the Ministers appear to contemplate, it would probably be sufficient to modify the Instrument of Instructions and the Devolution Rules and to trust to the growth of a convention such as tends to be established in Madras.

23. As regards the restrictions imposed by section 80-A of the Government of India Act and the rules thereunder on the powers of local Legislative Councils to make laws, experience has certainly disclosed difficulties, which arise, however, more in connection with reserved than with transferred matters. So far as legislation on transferred subjects is concerned sixteen such measures have been considered by the Council from the introduction of the Reforms up-to-date. In only six of these was it necessary to refer to the Government of India for previous sanction. The case is otherwise as regards legislation on reserved subjects. In respect of these the existing provisions of section 80-A (3), the Statutory Rules on the subject and the executive orders of the Government of India have necessitated the obtaining of previous sanction in *all* except three cases out of a total of eighteen arising. In particular, the provisions in rule 7 of the instructions to Local Governments regarding legislation in provincial Legislative Councils, circulated with the Government of India letter no. 4481-G. of 30th May 1923 have proved unworkable. It is not possible for this Government when amendments to a measure are moved in the Select Committee or in the Council, to obtain the *previous* sanction of the Government of India to their acceptance or otherwise. The Government of India themselves have already drawn attention to the difficulties attending the working of section 80-A in their letter to this Government no. 3494, dated 12th May 1924 ; and this matter will be dealt with at greater length in a separate reply to that letter. I am only to point out here that some restrictions are necessary during the transitional stage, and also that extreme caution is needed with regard to the removal of restrictions, the main object of which is to obviate large variations between the laws of the different parts of India. It cannot be regarded as certain that some provinces would not indulge in freak legislation if they were given complete freedom, and on general grounds it is not desirable that actions which are regarded as harmless in one province should be penalized in another.

24. In regard to the provisions of section 49 of the Government of India Act, which confers power on the Governor to make rules for the transaction of business within his Government, objection is taken to those actually so framed on the ground that they allow Secretaries to Government and Heads of Departments direct access to the Governor. The suggestion seems to be that the Governor's power to make rules shall be curtailed in this respect. As long however as the Governor, under the constitution, is anything more than a figure-head ; if he is to take, as the Government of India Act intends that he shall, a real and active part in the administration, it is essential that he should have a free hand in regulating the methods of the internal transaction of business in his Secretariat, and be in close touch with the Secretaries and Executive Heads of Departments. To say that the existing rules result in the consequence that " the Minister is left with no authority or power to carry on the administration of the transferred departments according to the recommendations of the Council " is an overstatement which His Excellency the Governor in Council is entirely unable to endorse. It is in fact inconsistent with the statement at page 109 of the memorandum (Appendix III which testifies that, generally speaking, there have been in this Province few differences between Ministers and Members of the services in transferred depart-

ments; that the transferred departments under very trying circumstances and limitations have been able to put in a large measure of constructive work both in the shape of legislation, and in overhauling the existing systems of excise, secondary and elementary education, public works, registration; the reorganization of the Health department, of that concerned with rural medical relief, and in achieving greater decentralisation in the financial relations of local bodies.

25. On the question of the financial arrangements under the present system, the case of the Ministers seems to fall into two parts, (1) a general charge that the system evolved is not in accordance with the intentions of the Reforms, and that it does not encourage or tend to build up a sense of financial responsibility in the Ministers or the Legislative Council; (2) a special charge that the Finance Department has arrogated to itself powers which it was not intended to exercise.

His Excellency the Governor in Council is entirely unable to follow the argument that the system evolved does not accord with the general intentions of the Reform scheme. The contrary appears to be the case. The Ministers' reference to the fully developed English system appears to indicate that they here mean merely to urge that the present constitution falls short of the ultimate object set forth, in the Preamble to the Bill as introduced in Parliament. To say this is merely to re-state the fact that the existing constitution is not, and does not propose to be more than transitional.

26. It has already been stated that the existing financial system has not operated to develop in the Legislative Council, as fully as could be desired, a real sense of financial responsibility *vis-a-vis* the administration as a whole. But the defect must be attributed in more direct measure to the fact not that the administration under the existing system is divided, but that a divided administration is coupled with a joint purse. To the undesirable results of this feature of the system, as it affects the position and the minds of Ministers, the Ministers themselves now bear witness. It will be remembered that the proposals of the Montagu-Chelmsford report were (paragraph 256) that the provincial revenues should be regarded as a whole; that the contribution to the Government of India should be a first charge on the total revenues: the second preference would be given to the claims of the 'reserved' departments, and only the residue should be at the disposal of Ministers, who, if that residue were inadequate, would be expected to supplement it by introducing and passing measures of taxation. The initiative in taxation was given to Ministers alone. While expressing their sympathy with the motives underlying these proposals, and with the desire that each half of the Government should be brought into sympathy with the needs of the other half, the Government of India pointed out grave practical difficulties (paragraphs 64 *et seq.* of their Despatch no. 1/1919, dated 5th March 1919); they emphasised in particular that "the scheme in the report offers no incentive to either half of the Government to develop its own resources", and laid stress on the value of an 'educative influence' which (in their opinion) the scheme omitted to utilize, namely, the "training in administration which is provided when the administrator receives, for his spending departments, the benefit of any improve-

ments which he can effect in his revenue departments." They accordingly proposed a system, shortly called that of the 'separate purse,' by which a specific division of the provincial resources (including a division of the provincial balances) would be made between the two halves of the Government, for a period of years; each half would thus know with fair exactitude what resources it need rely on, and it would be open to each half to initiate, if necessary, measures of taxation in the Legislative Council, to supplement its needs. If, as appeared not improbable, the 'reserved' half were unable to obtain supply in this way it would be for the Governor, if he thought fit, to 'certify' the measure to the 'Grand Committee. If the Ministry were unable to carry a taxation Bill in respect of the 'transferred' departments, the rejection by the Legislative Council would be final. It is unnecessary to follow in greater detail the proposals and arguments set forth on this subject in the Government of India despatch quoted. It has been dwelt upon thus far to illustrate the position that a 'separate purse' system would tend, by defining clearly the 'reserved' and 'transferred' spheres, their respective liabilities and resources, to give to Ministers, no less than to the Executive Government and to the Legislative Council precisely that definite responsibility, the absence of which, the Ministers now deplore. The Joint Select Committee of Parliament did not, indeed, wholly reject the idea of a 'separate purse' but the system they evolved contemplated recourse to it only in the event of a failure of the two halves of the Government to arrive at an agreement as to the allocation of the available revenues. The arrangement which finally emerged from their deliberations contemplates a single 'pool' and a joint budget for the whole administration [section 72-D (2) of the Act], and the actual allocations of supply proposed by the Government for the 'reserved' and 'transferred' departments are settled under Devolution Rule 31 at a meeting of the whole Government. It is by no means the case that it has been easy to arrive at decisions at these meetings. Ministers have, indeed, loyally accepted the decisions arrived at, and have done their best to induce their supporters in the Council to do likewise. But there has not unnaturally been left in their minds and in the minds of many of the Legislative Council a feeling of helplessness, and consequent irritation. It is natural that, in such circumstances, men from whom much is expected by their supporters, should have no difficulty in persuading themselves or their following, that, if only they had full control all would be well. The result has been to retard to some extent in the minds of Ministers and to a greater extent in the mind of the Legislative Council, the growth of a sense of responsibility, which the 'separate purse' system, by defining financial, as well as administrative responsibilities, would have directly tended to foster. It is by no means certain that the Ministers do desire an alteration of the present procedure, but there are some clear advantages in a system under which a definite proportion of the revenues of the province from sources now existing would be allocated to each half of the Government, each being left to meet such needs as cannot be supplied by the expansion of the existing resources by fresh taxation. His Excellency the Governor in Council would therefore advocate such modifications in the existing Devolution Rules as will enable the substitution of the 'separate' for the 'joint' purse.

27. The second charge need be alluded to only in so far as it may appear to indicate dissatisfaction with that part of the Devolution Rules which defines the position of the Finance Department. The sum and substance of the complaint, however, is that the head of the Finance Department is a member of the Executive Council and that the department tends to favour the reserved side at the expense of the transferred. The first position is fundamental and it would be difficult to substantiate an allegation that in practice the attitude of the Finance Department has differed in its dealings with the two halves of the Government or that it has arrogated to itself powers which it was not meant to possess. Its functions, as described by the Government of India in their memorandum to the Feetham Committee (quoted by the Ministers) and more precisely defined in Devolution Rules 36 to 45, are primarily those of an advisory and reporting agency and such powers of d partmental restraint or control as it possesses are directed to the subordinate, though important ends of seeing that expenditure is not incurred (by reappropriation or otherwise) outside the budget and that Legislative control in this respect is not rendered nugatory. It exercises those functions no less strictly in regard to reserved than in regard to transferred expenditure; and the only distribution or classification of expenditure which hitherto it has insisted on is the distinction between expenditure which has already received the sanction of the Government and the Legislative Council, 'standing sanctions' (entered in Part I of the Budget) and 'new expenditure' which has not been so sanctioned (entered in Part II of the Budget). This classification is applied alike to schemes proposed by the reserved side and by the transferred side of the Government. The further classification of new schemes (to which the Ministers take objection) into (1) those which are essentially needed. (2) those which should be taken up as soon as funds are available (3) those which can wait indefinitely, and (4) those which are unnecessary and therefore not recommended, is made by the Finance Committee of the Legislative Council itse f. The Committee's recommendations, with such comments on them as the administrative departments have to offer, are then submitted to the joint Gove nment, which then decides what schemes shall be included in the demands to go before the Legislature. There is nothing in this procedure to which, in the opinion of His Excellency the Governor in Council, exception can reasonably be taken, and he sees no ground to recommend an alteration of the rules in this respect.

28. Lastly, His Excellency the Governor in Council wishes to express agreement with the pronouncement of the Under Secretary of State during the debate on the Indian Labour problem that the extension of the franchise is fundamentally connected with any steps that may be taken to determine the future of the Provincial Government. One main object of such an extension would be to include in the electorate the highe types of artisan and labourer and an appreciable number of the depressed classes.

# APPENDIX I.

## MR. LLOYD'S LETTER No. 83/0-8, DATED 16TH JULY 1923, REVISED TO BRING THE INFORMATION TO DATE (JULY 1924).

With reference to your demi-official No. D. 917 (Confdl.), dated 23rd April 1923, I am directed to submit the following report on the working of the reformed constitution and its results, political, financial and administrative, covering the whole period from the commencement of the Government of India Act up to date. To facilitate reference, the paragraphs of this report are numbered in the centre headings in the same way as those of your demi-official letter under reply.

### A.—THE EXECUTIVE GOVERNMENT.

*Paragraph 3 (i). Constitution and personnel of the Executive Government on both the reserved and transferred sides, and distribution of business.*

2. The strength of the Executive Government under the Reforms scheme introduced by the Government of India Act, 1919, was fixed as follows for the Madras Presidency : —

Four Members of the Executive Council, and

Three Ministers.

The Hon'ble Sir Lionel Davidson and the Hon'ble Mr. (now Sir Charles) Todhunter were re-appointed as Members of Council, and the Hon'ble Khan Bahadur (now Sir) Muhammad Habib-ul-lah Sahib Bahadur and the late Hon'ble Sir K. Srinivasa Ayyangar were appointed as the Indian Members of Council. All the four Members took their seats with effect from the 17th December 1920.

3. The three Ministers who were appointed from the same date were—

(1) The late Hon'ble Diwan Bahadur A. Subbarayulu Reddiyar Garu,

(2) The Hon'ble Diwan Bahadur P. Ramarayaningar (now the Hon'ble the Raja of Panagal).

(3) The Hon'ble Rai Bahadur (now Sir K. Venkatareddi Nayudu Garu.

In selecting the Ministers His Excellency the Governor adopted the plan, in strict consonance with the British constitutional practice, of calling upon the leader of the party which had been returned to power by the general elections to make recommendations.

4. The subsequent changes in the personnel of the reserved half of the Government were—

(*a*) The Hon'ble Sir Charles Todhunter took leave from May to October 1921 and the Hon'ble Mr. (now Sir Arthur) Knapp was appointed temporary Member of Council.

(*b*) The Hon'ble Sir Lionel Davidson retired from active service from 1st April 1922 and the Hon'ble Mr. (now Sir Arthur) Knapp was appointed as permanent Member in the vacancy.

(*c*) The late Hon'ble Sir K. Srinivasa Ayyangar resigned from the 12th February 1923 and the Hon'ble Mr. C. P. Ramaswami Ayyar was appointed temporary Member from 12th February 1923 till 21st March 1923 and permanent Member thereafter.

(*d*) The Hon'ble Mr. (now Sir Arthur) Knapp availed himself of six months' leave from 1st May 1923, and the Hon'ble Mr. R. A. Graham was appointed as temporary Member.

(*e*) His Excellency Lord Willingdon having vacated his office on departure for England with effect from the afternoon of 12th April 1924, the Hon'ble Sir Charles Todhunter acted as Governor and the Hon'ble Mr. N. E. Marjoribanks as Member of the Council until the arrival of His Excellency Viscount Goschen, who assumed office as Governor on the forenoon of 14th April 1924.

(*f*) On the resignation of the Hon'ble Sir Charles Todhunter with effect from the afternoon of 26th April 1924, the Hon'ble Mr. R. A. Graham was appointed permanent Member of the Council and took his seat on the afternoon of that date.

5. On the ' transferred ' side, upon the resignation of the late Hon'ble Diwan Bahadur A. Subbarayulu Reddiyar Garu from 11th July 1921, the Hon'ble Rao Bahadur (now Sir) A. P. Patro was appointed as Minister in the resultant vacancy.

Upon the dissolution of the first Legislative Council with effect from the 11th September 1923, the Ministry having resigned office, the Hon'ble the Raja of Panagal and Hon'ble Rao Bahadur (now Sir) A. P. Patro were re-appointed by His Excellency the Governor with effect from the forenoon of 19th November 1923. The Hon'ble Diwan Bahadur T. N. Sivagnanam Pillai was appointed from the same date in succession to the Hon'ble Sir K. Venkatareddi Nayudu Garu.

6. Under sub-section (2) of section 49 of the Government of India Act, the following distribution of business among the Members of the Executive Council and the Ministers was made by His Excellency the Governor on the introduction of the Reforms scheme and continued with slight modifications in force until November 1923 in the case of the Ministers and the 31st of March

1924 in the case of Members of the Council. The portfolios reserved for His Excellency the Governor in the pre-Reform Council were distributed among other Members of the Cabinet: —

## A—MEMBERS.

HOME MEMBER .. { The Hon'ble Sir Lionel Davidson—17th December 1920 to 31st March 1922. / The Hon'ble Sir Arthur Knapp—1st April 1922 to 30th April 1923, and again from the 26th October 1923 to date. / The Hon'ble Mr. R. A. Graham—1st May 1923 to 26th October 1923.

Aliens.
Administration report.
Air-craft.
Arms and explosives.
Cinchona.
Court of Wards and zamindars.
*Criminal justice, including petitions for mercy.
Criminal Tribes Act, 1911, except 'settlements and schools established under sections 16 to 19.'
Dramatic performances and cinematographs.
Ecclesiastical.
European education.
European vagrancy.
Excluded areas.
Forests, including preservation of game
*Magistracy.
†Malabar affairs.
Military.
Newspapers, books and printing presses.
Passports.
Pilgrimages outside British India.
*Police.
Political.
Public Works (Governor's residences).
Protection of wild birds and animals
Railways.
*Regulation of betting and gambling
*Reports on matters of political and administrative importance.
Rewards for saving life and property.
*State prisoners.

FINANCE MEMBER .. { The Hon'ble Sir Charles Todhunter { 17th Dec. 1920 to 3rd May 1921. / 24th October 1921 to 26th April 1924. / The Hon'ble Sir Arthur Knapp—4th May 1921 to 23rd October 1921.

Archæology.
Borrowing.
Conduct of business in Council.
Customs.
Finance.
Government Press.
Income-tax.
Indian Civil Service questions other than leave and appointments.
Local fund audit.
Meteorology.
Move of Government to the hills.
Office procedure.
Pensions.
Petition rules—general questions.
Precedence.
Posts, telegraphs and telephones.
Ports.
Protected monuments.
Publicity (including Editors' Table).
Public Service Commission and service questions, including examinations and special tests, land returns and Government Servants' Conduct Rules.
Reforms—not being legislative.
Public Works (Harbours).
Salt.
Stores and stationery for reserved departments.
Taxation.
Trade.

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* Transferred to Law Member in April 1922.

† New subject allotted as a result of the Mappilla rebellion.

## A—MEMBERS—*contd.*

**REVENUE MEMBER** ... The Hon'ble **Khan Bahadur** Sir Muhammad Habib-ul-lah Sahib Bahadur—**17th** December 1920 to 31st October 1923 and from 31st **March** 1924 to date.
**Raja** V. Vasudeva **Raja** Avargal, from 1st November 1923 to 31st March 1924.

- Boilers.
- Census.
- Development of mineral resources.
- Economic condition, including prices and wages.
- *Electricity and water-power.
- Escheats.
- Famine relief.
- *Inland water-ways.
- *Irrigation—major works.
- Land acquisition.
- Land Revenue administration (other than Court of Wards and zamindars and landlord and tenant).
- Minor irrigation.
- Pounds.
- Stamps.
- Territorial changes (intra-provincial).
- Treasure trove.
- Water-rates.
- Wild animals and rewards for their destruction.
- Yeomiahs and hereditary pensions.

**LAW MEMBER** .. The Hon'ble Sir K. Srinivasa Ayyangar—17th December 1920 to 11th February 1923.
The Hon'ble Mr. C. P. Ramaswami Ayyar—12th February 1923 to date.

- Administrator-General and Official Trustee.
- Cantonments.
- Civil justice.
- *Civil supplies.
- Companies.
- Criminal tribes (settlements and schools established under sections 16 to 19 of the Criminal Tribes Act, 1911).
- *Depressed classes.
- Elections.
- *Emigration.
- Extradition.
- Kazis.
- *Labour and factories.
- Landlord and tenant, including Estates Land Act.
- Law officers.
- Law reports.
- Legislation.
- Nuisances.
- Poisons.
- *Prisons.
- Prevention of cruelty to animals.
- *Reformatories.
- Regulation of medical and other professional qualifications.
- Translators to Government.
- Vehicles.

## B.—MINISTERS.

**MINISTER FOR EDUCATION AND PUBLIC WORKS.** The Hon'ble Diwan Bahadur A. Subbarayulu Reddiyar—17th December 1920 to 10th July 1921.
The Hon'ble Rao Bahadur A. P. Patro—11th July 1921 to date.

- Education (other than European and Anglo-Indian education).
- Excise.
- Libraries.
- Public Works, other than Governor's residences, harbour works, irrigation, tramways and light railways.
- Registration of deeds and documents.
- Stores and stationery for transferred departments.

* Transferred to Home Member in April 1922.

## B—MINISTERS—*contd.*

**MINISTER FOR LOCAL SELF-GOVERNMENT.** } **The Hon'ble the Raja of Panagal—17th Dec. 1920 to date.**

| | |
|---|---|
| Adulteration of foodstuffs. | Religious and charitable endowments. |
| Local Self-Government. | Registration of births, deaths and marriages. |
| Medical administration. | Tramways and light railways. |
| Pilgrimages within British India. | |
| Public health and sanitation and vital statistics. | |

**MINISTER FOR DEVELOPMENT.** } **The Hon'ble Rai Bahadur Sir K. Venkatareddi Nayudu Garu—17th December 1920 to date.**

| | |
|---|---|
| Agriculture. | Development of industries, including industrial research and technical education. |
| Civil veterinary department. | Fisheries. |
| Co-operative societies. | Weights and measures. |

6-A. The following statement shows the distribution of business as at present arranged : —

## A—MEMBERS OF THE EXECUTIVE COUNCIL.

[With effect from 31st March 1924.]

I.—REVENUE MEMBER .. The Hon'ble Khan Bahadur Sir Muhammad Habib-ullah Sahib Bahadur, *Kt.*, C.I.E.

| | |
|---|---|
| Boilers. | Land Revenue. |
| Census. | Mines. |
| Constitution of districts, divisions and taluks. | Pounds and special funds. |
| Economic condition including prices and wages. | Stamps. |
| Escheats. | Treasure trove. |
| Famine. | Wild animals. |
| | Yeomiahs and hereditary pensions. |

II.—HOME MEMBER .. The Hon'ble Sir Arthur Knapp, K.C.I.E., C.S.I., C.B.E.

| | |
|---|---|
| Administration Report. | Labour (including factories). |
| Agency and Laccadives. | Malabar affairs including Law and Order in Malabar. |
| Aircraft. | Military. |
| Arms and explosives. | Passports. |
| Civil supplies. | Pilgrims to the Hedjaz. |
| Court of Wards and Zamindars. | Political (other than matters relating to Indian States). |
| Criminal Tribes Act. | Press and Registration of books. |
| Depressed classes. | Railways. |
| Ecclesiastical. | Reformatories. |
| Emigration. | Rewards for saving life and property. |
| European education. | Staff and Household of His Excellency the Governor. |
| Foreigners. | |
| Forests (including Cinchona). | |
| Government Houses. | |
| Jails. | |

## A.—MEMBERS OF THE EXECUTIVE COUNCIL—*contd.*

III.—LAW MEMBER .. The Hon'ble Mr. C. P. Ramaswami Ayyar, C.I.E.

- Breach of Contract Act.
- Certificate of age and qualification.
- Civil Justice.
- Criminal Justice including petitions for mercy.
- Elections.
- Fortnightly report.
- Electricity (including hydro-electric schemes).
- Irrigation.
- Landlord and Tenant.
- Legislative.
- Magistracy.
- Miscellaneous Judicial heads.
- Police including Criminal Investigation Department.
- Report on matters of political and administrative importance.
- Regulation of medical and other professional qualifications and standards.
- State prisoners.
- Translators to Government.

IV.—FINANCE MEMBER .. The Hon'ble Mr. R. A. Graham, C.S.I.

- Central subjects—
  - Archæology and epigraphy.
  - Customs (including trade).
  - Income-tax.
  - Marine.
  - Meteorology.
  - Opium.
  - Post office.
  - Salt.
  - Telegraphs and telephones.
- Conduct of business in Council.
- Finance.
- General (*i.e.*, questions of a general nature which cannot be allocated to any particular department).
- Government Servants' Conduct Rules.
- Indian Civil Service—Questions other than leave and appointments.
- Move of Government to the hills.
- Office procedure.
- Pensions.
- Petition rules—General questions.
- Publicity including Editors' Table.
- Public Services Commission and Service questions including examinations and special tests and land returns.
- Reforms—not being legislative.
- Warrant of precedence.

## B—MINISTERS.

MINISTER FOR LOCAL SELF-GOVERNMENT .. The Hon'ble the Raja of Panagal.

- Adulteration of foodstuffs.
- Local.
- Medical.
- Municipal.
- Light-feeder railways and tramways.
- Public Health.
- Religious and Charitable endowments.

MINISTER FOR EDUCATION AND PUBLIC WORKS .. The Hon'ble Rao Bahadur A. P. Patro Garu.

- Education.
- Excise.
- Public Works.
- Registration.

MINISTER FOR DEVELOPMENT .. .. The Hon'ble Diwan Bahadur T. N. Sivagananam Pillai Avargal.

- Agriculture.
- Co-operative Societies.
- Fisheries.
- Industries.
- Veterinary.
- Weights and measures.

*Paragraph 3 (ii). Allocation of funds to reserved and transferred subjects.*

7. The division of provincial subjects into reserved and transferred has not been attended by an allocation of the sources of the provincial revenue to the

two branches. The expenditure on services of all kinds is a charge on the general revenues and balances of the province; and the allocation of funds to reserved and transferred subjects is a matter for agreement between the two halves of the Government (*vide* Devolution Rule 31). In the event of failure to arrive at an agreement, the question would have to be decided either by His Excellency the Governor or by an authority appointed by the Governor-General on the application of the Governor (Devolution Rules 32—35). The latter contingency has not arisen in connexion with the preparation of any of the provincial budgets since the Reforms, as the apportionment of funds between reserved and transferred subjects has so far been settled amicably by the combined Government at their joint deliberations.

8. The present procedure adopted by the combined Government in dealing with the expenditure budget is briefly as follows. The budget is divided into part I 'Standing Sanctions,' which means items which have already received the approval of the Legislative Council; and part II 'New Schemes' which have yet to go before it. In the case of the former, while there is much calculation and adjustment of detail, there is no question of policy to be considered, while the latter need consideration of matters of policy, sometimes from quite a number of points of view. The estimates for 'Standing Sanctions,' in the case of both reserved and transferred departments, go through the processes of examination by the Secretariat and are subjected to financial scrutiny; and the estimates, as revised by the Finance department, are placed by major heads before the Finance Committee. The alterations recommended by the Finance Committee are usually adopted by the Government; or if there are difficulties in adopting those recommendations, the matter is again placed before the Finance Committee. Broadly speaking, no radical changes have so far been insisted on by the Finance Committee. The recommendations of the Finance Committee are then considered by the combined Government at their joint meeting specially convened for the purpose; and, with reference to the funds available after providing for 'Standing Sanctions,' a selection is made by them of the 'New Schemes' which should be included in the budget to be presented to the Legislative Council.

9. The following statement shows in broad outline the allocation of funds year after year to the reserved and transferred departments since the introduction of the Reforms in 1921-22. Although there have been extensive redistributions of subjects among the reserved departments, yet the general line of boundary between reserved and transferred subjects has remained intact; hence it is possible to trace in the statement a gradual increase in the yearly allocations to transferred subjects. It is necessary to point out, however, that there are numerous departments on either side which do work for both sides, and that it is not possible to arrive at any exact distribution of expenditure between the two. To take a few instances, there is a large part of the staff concerned with the general administration which serves all departments. The pay of Ministers who are in charge of transferred departments has till recently been shown as reserved. The buildings relating to reserved departments come under Public Works (Transferred). There are other charges which are common to both reserved and transferred departments although the budget shows them

as reserved, such as Interest on debt, Scientific departments, Superannuation allowances and pensions, and Miscellaneous, etc. :—

| Year. | | Total expenditure. | Reserved. | | Transferred. | Percentage to the total expenditure. Reserved. | Percentage to the total expenditure. Transferred. |
|---|---|---|---|---|---|---|---|
| | | LAKHS. | LAKHS. | | LAKHS. | | |
| 1921-22 (Accounts) .. | (a) | 1,677·92 | 1,254·24 | | 423·68 | 75 | 25 |
| 1922-23 (Accounts) .. | | 1,609·24 | 1,199·75 | | 409·49 | 74 | 26 |
| | (b) | +5·78 | | (b) | +5·78 | | |
| 1923-24 (Revised) .. | | 1,639·58 | 1,199·55 | | 440·03 | 73 | 27 |
| | (b) | +4·11 | 1,199·55 | (b) | +4·11 | | |
| 1924-25 (Budget) .. | | 1,662·04 | 1,218·64 | | 443·40 | 73 | 27·45 |
| | (b) | +17·87 | | (b) | +17·87 | | |

The above figures include under ' reserved ' the contribution of 348 lakhs to the Central Government—a sum of money which, when released, will in all probability be applied almost entirely to transferred subjects. Excluding this contribution, the percentage given above will work out as under :—

| Year. | | Total expenditure. | Reserved. | Transferred. | Percentage to the total expenditure. Reserved. | Percentage to the total expenditure. Transferred. |
|---|---|---|---|---|---|---|
| | | LAKHS. | LAKHS. | LAKHS. | | |
| 1921-22 (Accounts) .. | (a) | 1,329·92 | 906·24 | 423·68 | 68 | 32 |
| 1922-23 (Accounts) .. | | 1,261·24 | 851·75 | 409·49 | 67 | 33 |
| | (b) | +5·78 | | (b) +5·78 | | |
| 1923-24 (Revised) .. | | 1,291·58 | 851·55 | 440·03 | 66 | 34 |
| | (b) | +4·11 | | (b) +4·11 | | |
| 1924-25 (Budget) .. | | 1,314·04 | 870·64 | 443·40 | 65 | 35 |
| | (b) | +17·87 | | (b) +17·87 | | |

*Paragraph 3 (iii). Constitutional or Cabinet difficulties and the resignation on such grounds of Members or Ministers.*

10. Discussion of important questions at joint meetings of both sides of the Cabinet has been almost the invariable rule, there having been 46 such meetings in each of the years 1921 and 1922 and 22 meetings in 1923 up to the end of June, while the number of Council meetings has been only 3, 2 and 2, respectively, during the same periods. The arrangement under which practically all administrative questions are considered at joint meetings of the Cabinet has been so far successful in securing agreement that there are only four minutes of dissent on record.

As will be seen from paragraph 4, the only change that has taken place in the constitution of the Government on constitutional grounds, has been the resignation of the late Sir K. Srinivasa Ayyangar mainly as a consequence of the rejection by the Council of the Irrigation Bill at its first reading [paragraph 38 (a) below].

*Paragraph 3 (iv). Reinforcement or readjustment of Secretariat or other headquarters establishment necessitated by the Reforms.*

11. The Reforms led to the creation of the posts of fourth Member of the Executive Council, three Ministers, three Council Secretaries, the President,

(a) Includes grants for water-supply and drainage schemes.
(b) Represents grants for water-supply and drainage schemes shown in the capital account.

the Deputy President, the Secretary and the Assistant Secretary to the Legislative Council.

The pay of these officers is as follows :—

| | Pay. Rs. | |
|---|---|---|
| One Member of Council .. .. | 5,333 | |
| Three Ministers .. .. .. | 5,333 | each per mensem from 17th December 1920 to 31st March 1923; and Rs. 4,333 per mensem thereafter. |
| One President of the Legislative Council. | 3,000 | per mensem from 17th December 1920 to 31st March 1923; and Rs. 2,000 per mensem thereafter. |
| One Deputy President of the Legislative Council. | 5,000 | per annum. |
| One Secretary to the Legislative Council. | 1,500 | per mensem from the 17th December 1920 to 5th January 1924 and Rs. 1,000 per mensem thereafter. |
| Three Council Secretaries .. | 500 | each per mensem. |
| One Assistant Secretary to the Legislative Council (200—20—400). | 333 | per mensem. (*Note.*—One of the two posts of superintendents sanctioned for the Legislative Council Office was converted into that of an Assistant Secretary with effect from 17th January 1924.) |
| Total, at present, Rs. | .. 23,581 | per mensem or 2·86 lakhs per annum. |

12. A staff of four steno-typists and twenty-four peons was created for employment under the fourth Member of the Executive Council and the three Ministers, while for the President of the Legislative Council, a separate office was created, consisting of one superintendent, nine clerks, ten Legislative Council reporters and seventeen inferior servants and a temporary establishment costing about Rs. 6,300 per annum of typists and proof-readers.

13. In the Secretariat, a separate Finance Department was constituted, thereby raising the number of the Civil Secretariat departments from five to six, and their nomenclature was changed as shown below :—

| Designation prior to the introduction of the Reforms. | Designation after the introduction of the Reforms. |
|---|---|
| Chief Secretariat .. .. | Chief Secretariat.<br>Finance Secretariat. |
| Revenue Secretariat .. .. | .. Revenue Secretariat. |
| Revenue (Special) Secretariat .. | .. Deve opment Secretariat. |
| Home Secretariat .. .. | .. Law Secretariat. |
| Local and Municipal Secretariat | .. Local Self-Government Secretariat. |

14. The main additions made to the Secretariat staff are as follows :—

| Department. | Permanent. | Temporary. |
|---|---|---|
| Chief Secretariat .. | Nil .. .. | .. (1) One Deputy Secretary in lieu of one permanent Under Secretary (grade pay of Indian Civil Service officers under the superior scale plus a special pay of Rs. 200 per mensem). |

| Department. | Permanent. | Temporary. |
|---|---|---|
| Finance Secretariat | (1) Secretary—pay admissible under the superior scale of pay applicable to Indian Civil Service officers plus a special pay of Rs. 250 per mensem.<br>(2) One Deputy Secretary (grade pay of Indian Civil Service Officers under the superior scale plus a special pay of Rs. 200 per mensem). | (1) One Assistant Secretary on Rs. 500—50—800 forsix months for budget work. |
| Law Secretariat | (1) One Under Secretary for legislative drafting work. | Nil. |
| Local Self-Government Secretariat. | Nil | (1) One Deputy Secretary in lieu of one permanent Under Secretary (grade pay of Indian Civil Service officers under the superior scale plus Rs. 200 per mensem).<br>(2) One Assistant Secretary on Rs. 500—50—800. |

15. The Chief Secretariat has been strengthened temporarily by the appointment of a Deputy Secretary, the permanent post of Under Secretary attached to that Secretariat being held in abeyance during the continuance of this temporary post.

16. The post of Deputy Secretary in the Finance Secretariat, which was created temporarily in November 1922, has since been made permanent. Two posts of Assistant Secretary in that department have been abolished, while the establishment has been increased by the appointment of two superintendents and two upper division clerks and by two temporary lower division clerks. In connexion with the preparation of the budget the following staff in excess of that in the pre-Reform period has been sanctioned for the periods noted against them :—

| | Months. | | Months. |
|---|---|---|---|
| One Assistant Secretary (Rs. 500—50—800) .. .. .. | 6 | One upper division clerk .. | 7 |
| One superintendent (Rs. 200—20—400) .. .. .. | 7½ | Four upper division clerks .. | 6 |
| One superintendent (Rs. 200—20 400) .. .. .. | 7 | Two upper division clerks .. | 5 |
| Two superintendents (Rs. 200—20 —400) .. .. .. | 6 | Do. .. .. | 2 |
| | | Four lower division clerks (Rs. 60) .. .. .. | 7½ |
| | | One steno-typist (Rs. 75) .. | 6 |
| | | Two peons (Rs. 15) .. .. | 6 |

17. With effect from the 1st March 1924, the temporary post of Assistant Secretary created in the Law Department for legislative drafting work has been retained permanently. The designation of the post has been changed to Under Secretary and a special pay of Rs. 200 sanctioned. The maximum pay of the post including the special pay is however restricted to Rs. 1,200 per mensem. The following staff has also been sanctioned permanently for that officer :—

One superintendent on Rs. 200—20—400.
One upper division clerk on Rs. 70—70—10—150—5—175.
One lower division clerk on Rs. 40—40—5—65—3—80.
One steno-typist on Rs. 40—40—5—65—3—80 with special pay.
One attender on Rs. 23—23—23—1—35.
Two peons on Rs. 15—20.

The Law Secretariat has been further strengthened by the addition of two permanent upper division clerks.

17-A. The Local Self-Government Secretariat had to be strengthened temporarily by the appointment of a Deputy Secretary and of an Assistant Secretary, the permanent post of Under Secretary attached to that Secretariat being held in abeyance during the continuance of these temporary posts. The sanction of the Secretary of State has been applied for for the permanent retention of the post of Deputy Secretary. An additional staff of one superintendent and two upper division clerks has been permanently sanctioned.

*Paragraph 3 (v). Co-operation between the Executive Government and the Legislature, with special reference to permanent or special committees of the latter and the action taken in pursuance of their recommendations, and the use of Council Secretaries.*

18. One of the most important features of the Reforms has been the development of government by committees; and since their inception there has hardly been a week during which committees of one sort or another have not been sitting. The committees may be said to be of four classes :—

I. Standing committees whether (A) elected by the Legislative Council or (B) appointed by the Government.

II. Departmental committees appointed by the Government.

III. Committees appointed by the Government for the preparation of projects of legislation, etc.

IV. Committees appointed by the Government at the instance of the Council.

19. *I (A). Standing committees elected by the Legislative Council.*—As regards committees under this class, reference may be made in the first place to the Public Accounts Committee constituted under rule 33 of the Legislative Council rules for the purpose of dealing with the Audit and Appropriation Accounts of the province and such other matters as the Finance department may refer to it. The committee is composed of ten members, of whom seven are elected by the Legislative Council and three are nominated by Government. The intention is that it should become an inquisitorial body which will probe thoroughly all financial irregularities and defalcations and misdemeanours. As it could not function till the accounts of at least one previous financial year were ready, it only got really to work in the beginning of the year 1923 when it examined fully the Accountant-General's Audit and Appropriation reports for 1921-22. Its most important resolutions dealt with the Public Works department and the finances of local bodies. With reference to the first, it emphasised the need for closer examination by the Finance department with a view to check such irregularities as starting works without estimates, exceeding estimates without sanction and late payment of bills. As regards local bodies, the committee took a very serious view of the growing practice of overdrawal of accounts at the Government treasuries by some of the municipalities and many of the district and taluk boards. The remedy suggested was the introduction of a proper banking system and the strengthening of the audit staff working under the Examiner of Local Fund Accounts. The committee was

reconstituted after the elections of 1923 and held five meetings during 1923-24 examining various irregularities brought to notice by the Auditor-General.

20. The Finance Committee, though not statutory, is in some ways an even more important body than that on Public Accounts. It consists of nine-members, of whom three, including the Finance Member as chairman, are nominated by the Government, and six are non-official members of the Legislative Council, elected by the Council: a fresh committee is appointed every year. While the Public Accounts Committee reviews the finances after the year is over, the Finance Committee deals with current and proposed expenditure. Before it all schemes involving new and recurring commitments are brought for examination before they are included in the budget; and though the committee is only advisory, its recommendations naturally have great weight with the Cabinet when deciding what expenditure shall be included in the estimates to be placed before the Legislative Council for sanction for the coming year. It has also proved of great importance that a selected number of members of the Council should have had the opportunity of closely examining all schemes for new expenditure before they come to be debated on the floor of the House and of bringing informed criticism to bear on the various proposals.

During the budget session the committee sits at least once a week, at other times at such convenient intervals as may be required.

The Finance Committee of the new Council held twenty-two meetings between April 1923 and March 1924, and the Government were to a considerable extent guided by its advice in fixing the budget provision to be made for new schemes for 1924-25.

21. *I (B). Standing committees appointed by the Government.*—Besides the above two committees, which are mainly composed of members elected by the Legislative Council, there are standing committees in various departments appointed wholly by the Government, but consisting of a majority or comprising a considerable number of non-official members of the Legislative Council, whose assistance and co-operation the Executive Government wish to secure in the administration of the various departments. The following standing committees may be mentioned in this connexion:—

(1) The Road Board consists of fifteen members, of whom seven are members of the Legislative Council (non-officials), appointed by G. O. No. 880, dated 19th May 1921, to work out a definite policy for improving the communications of the Presidency. It is a standing advisory committee.

(2) The Standing Advisory Committee for Excise Administration. There are eleven members, of whom nine are members of the Legislative Council (non-official), with the Hon'ble the Minister in charge of Excise for their president. A resolution moved in the Council by Rao Bahadur A. S. Krishna Rao Pantulu on 3rd August 1921 to the effect that a special Excise Committee should be appointed was modified by the unanimous consent of the House into a resolution that the standing committee to be attached to the Excise department be required to investigate and suggest means of improving the Excise administration of the Presidency. The committee prepared a questionnaire on prohibition and local option and sent it to selected officials and non-officials to be answered. The answers received were duly examined and a

number of witnesses were also selected for oral examination. At this stage, the work of the committee was interrupted by the dissolution of the Legislative Council, and a new committee, appointed after the elections of October 1923, constituted in January 1924 (G. O. No. 91, Revenue, dated 19th January 1924) have taken up the examination of the subject commenced by their predecessors.

(3) The Agency Advisory Committee consisting of nine members, of whom six are members of the Legislative Council (non-official), has for its president the Hon'ble the Home Member. It was appointed in October 1921 to advise the Government in regard to Agency administration. The committee met from time to time to advise the Government on various questions, chiefly in regard to the budget. The committee's opinion is generally accepted and acted on. It ceased to exist on the abolition in October 1923, of the Agency division.

(4) The Forests Committee had at first nine members, of whom seven are members of the Legislative Council (non-official), presided over by the Hon'ble the Home Member. It was appointed by G. O. No. 1858, dated 4th October 1921, and its functions are advisory. It was reconstituted in December 1923 with twelve members including the president of whom nine are non-officials.

(5) The Standing Committee on Education and Registration was first constituted with eight members, of whom seven were non-official members of the Legislative Council, and the president the Hon'ble the Minister in charge of Education and Registration. The committee was appointed by G. O. No. 1577, Law (Education), dated 5th November 1921, and was reconstituted in December 1923 with eleven members, of whom ten are non-official members of the Legislative Council.

(6) The Industries and Fisheries Committee has fourteen members, of whom ten are members of the Legislative Council (non-official), and the president is the Hon'ble the Minister in charge of Industries. This committee, whose functions are advisory, was appointed by G. O. No. 2118, dated 12th November 1921, and reconstituted in March 1924.

(7) The Agriculture and Co-operation Committee has fourteen members, of whom ten are members of the Legislative Council (non-official), and it was appointed by G. O. No. 2125, Development, dated 14th November 1921, its functions being advisory. It has been reconstituted since March 1924, with twelve members of whom eleven are non-officials, and the Veterinary department has been included in its sphere.

(8) The Public Works Advisory Committee, consisting of ten members, of whom nine are non-official members of the Council, with the Minister in charge of Public Works as chairman, appointed by G. O. No. 1731-W., dated 29th November 1921.

(9) The Consultative Council of Public Health with twenty-one members of whom eight were members of the Legislative Council and presidents of district boards, was appointed by G. O. No. 7, Medical, dated 4th January 1921, in order to maintain touch with non-official opinion both as regards the general principles of health policy and as regards such broad questions as might from time to time arise concerning medical relief, preventive medicine and medical education. This council was dissolved on the formation of the Advisory Committee for Public Health to be presently mentioned.

(10) The Advisory Committee for Public Health, ten out of eleven members of which were members of the Legislative Council (non-official), was appointed by G. O. No. 314 (Public Health), dated 27th February 1922. After the elections of 1923, the committee was reconstituted, seven of the eleven members being non-official members of the Legislative Council. Most of the recommendations of the committee have been given effect to by the Government.

(11) The Advisory Committee for Local and Municipal Administration with eleven members, of whom ten were members of the Legislative Council (non-official), appointed by G. O. No. 378, L. & M., dated 27th February 1922, was reconstituted after the recent elections with ten non-official members out of twelve.

(12) The Depressed Classes Advisory Committee has five members, chiefly belonging to the depressed classes, all of whom are non-official members of the Legislative Council.

22. *II. Departmental committees appointed by the Government for special purposes.*—The number of such committees is naturally very large and it is perhaps unnecessary to specify those composed solely or mainly of officials. The following are instances in which the Government have *proprio motu* included in their departmental committees a substantial proportion of non-official members of the Legislative Council:—

(1) The Madras Disturbances Committee consisting of three members, of whom two were members of the Legislative Council, with the Hon'ble Justice Sir William Ayling, Officiating Chief Justice of the Madras High Court, as its president, was appointed by G. O. No. 481, dated 30th July 1921, to enquire into and report on the disturbances in the Perambur division of the Madras City on or after the 29th June 1921, and the measures taken to restore order. The report of the committee justified the action taken by the police and the military and it was laid before the Council and the public for information.

(2) The Local Loans Fund Committee had seven members, of whom three were members of the Legislative Council (non-officials), and was appointed to investigate the constitution of a local loans fund by G. O. No. 1015, L. & M., dated 3rd June 1921.

(3) The Light Railways Committee, four out of eight members of which were members of the Legislative Council (non-official presidents of district boards), was appointed to consider and prepare a note for the use of district boards on the construction and management of light railways—G. O. No. 1414, L. & M., dated 16th August 1922. Orders on the committee's report have been deferred pending receipt of a communication from the Government of India as to their policy in respect of District Board Railways.

(4) The Leather Industries Committee, with ten members of whom six were members of the Legislative Council (non-officials), was appointed by G. O. No. 148, Development, dated 25th January 1923. The committee's report is under consideration

(5) The Public Works Department Inquiry Committee. Eight members, of whom two are members of the Legislative Council (non-official), appointed

by G. O. No. 375-W., dated 5th April 1923, to consider the present system of execution of works and accounting in the Public Works Department, and to make suggestions for simplifying and improving the same with a view to secure economy in construction as well as in establishment charges. The committee's report has been received and the Government has passed orders on most of its recommendations.

(6) The Educational Conferences assembled by the Hon'ble the Minister for Education (1) at Ootacamund on the 26th and 27th May 1923, consisting of eight members, of whom six were members of the Legislative Council (non-official), and (2) at Madras on the 11th June 1923.

The most important of the recommendations made by the conference related to the introduction of universal elementary education in the Presidency within a specified number of years. After this question had been investigated by an officer placed on special duty for the purpose, the Government have recently issued orders for the institution of an educational survey by taluks, with a view to ascertain places already provided with elementary schools and the villages in each local area that have still to be provided with such schools. On most of the other recommendations of the conference, the Government have passed suitable orders.

(7) Among other matters of less general interest which have been reported on by committees or conferences may be mentioned the question of certain level-crossings over the South Indian and Madras and Southern Mahratta Railways in the City of Madras; the alignment of the Gadwal-Kurnool Railway and the question of the sinking of wells in the Palar river for supplying drinking water to the Katpadi Railway station on the Madras and Southern Mahratta Railway. In all these cases, a considerable number of non-official representatives of the public were appointed on the committees. As regards the first two topics recommendations have been forwarded to the Railway Board and in the case of the last mentioned item the Government have not issued orders.

(8) In the past year two departmental committees have been appointed, one to examine the best means of making the Law college a true centre of legal culture and study and the other to report on the question of raising the Victoria College at Palghat from the second to the first grade. The former committee has reported and their report is under the consideration of Government. The report of the second committee is still awaited.

(9) In February 1924 a departmental committee was appointed to report on the future status of the Madras City and Suburban Town-planning Trust. The report of the committee is under the consideration of Government.

23. *III. Committees appointed by Government to frame projects of legislation or assist in framing rules and orders.*—(1) The Land Revenue Settlement Bill Committee consisted of fifteen members, of whom seven were members of the Legislative Council (non-official), and the president was the Hon'ble the Revenue Member. The committee was appointed by the Government in April 1921 to make recommendations as to the lines on which a Bill defining the principles of land revenue settlement should be drafted. The majority of the

non-official members of the committee recommended a permanent settlement of the ryotwari tracts, but the committee, as a whole, objected to such a measure and drafted a Bill following the existing settlement procedure, with the modification that the proposals for each settlement should be placed before the Legislative Council. The Government did not accept this recommendation which would make each scheme of settlement practically a taxation Bill; and they put forward certain alternative suggestions for the consideration of the Government of India and the Secretary of State. The Government of India then addressed this Government pointing out the inexpediency of legislating on the lines of a permanent settlement at the present moment, and also disapproving of the suggestion made by this Government as to an income-tax on land. They asked this Government to reconsider the position in the light of their remarks. The Land Revenue Settlement Bill as finally drafted by this Government with the approval of the Government of India was introduced in the Legislative Council in March 1924, but was rejected by that body. The further action to be taken in the matter is under consideration.

(2) The Religious Endowments Act (Amendment) Bill Committee consisting of twelve members, of whom eight were members of the Legislative Council (non-official), was appointed by G. O. No. 2317, L. & M., dated 25th November 1921, to suggest amendments and alterations in the existing Act and to consider the principles on which a new Bill should be drafted. The recommendations of the committee were taken into consideration before the Bill was introduced into the Legislative Council [*vide* paragraph 41 (*c*) below].

(3) A committee to draw up a set of draft rules under the Madras Village Panchayat Act, 1920. This consisted of eight members, of whom five were members of the Legislative Council (non-official). The chairman was Rao Bahadur C. V. S. Narasimha Raju, M.L.C. (non-official). It was appointed by G. O. No. 2318, L. & M., dated 25th November 1921. The draft rules drawn up by the committee were approved in G. O. No. 168, dated 24th January 1922.

(4) A committee to frame rules under the Madras State Aid to Industries Act, 1923. This committee consisting of ten members, of whom six were members of the Legislative Council (non-official), was appointed by G. O. No. 181, dated 2nd February 1923. The rules framed by the committee were approved by the Government and published in the Gazette.

(5) The Irrigation Bill Committee. This committee consisting of seventeen members, of whom twelve were members of the Legislative Council (non-official), was convened by Government in May 1923 to consider the terms upon which the Irrigation Bill which had been rejected by the Council in January 1923 should be redrafted. The committee sat for a week in May 1923. Its recommendations having been duly considered by the Government an amended draft Bill has since been introduced in the Legislative Council, and referred to a Select Committee.

(6) A committee of seven members of whom five were non-officials was appointed in March 1924 to draw up a Bill to regulate apprenticeship in the Madras Presidency. The report of this committee is awaited.

(7) A Select Committee to report on the Madras Pil erage Prevention Bill —*vide* paragraph 42 (9) below.

24. *IV. Committees appointed in pursuance of resolutions or interpellations in the Legislative Council.*—(1) The most important committee to be described under this head is the Retrenchment Committee, with its subsidiary committees in different departments. By a resolution of the House, dated 16th September 1922, the Finance Committee was constituted a Retrenchment Committee, and it has been assisted in its work by subsidiary committees appointed by the different departments, *e.g.*, (*a*) The Judicial Retrenchment Committee consisting of four members, of whom two were members of the Legislative Council (non-official), appointed by G. O. No. 1505, Law (General), dated 6th June 1923 ; this committee has submitted its final report, on which action has been taken by the Government. (*b*) The Survey and Settlement Retrenchment Committee consisting of twelve members, of whom six were members of the Legislative Council (non-official), appointed to advise on the cheapest system of survey and settlement. Certain specific questions were put before the committee and their opinion taken thereon. The Board of Revenue was asked to submit proposals for giving effect to the decisions of the committee and orders have since been passed by the Government on this subject. (*c*) The Land Revenue Retrenchment Committee on which there are fourteen members, of whom ten are members of the Legislative Council (non-official), appointed to simplify the system of land revenue administration and to propose alterations in the volume and nature of the work entrusted to the district officers in the maintenance of statistical and revenue accounts. The committee has made certain interim proposals upon which the Board of Revenue has been asked to report. (*d*) The Medical and Public Health Retrenchment Committee with eight members, of whom two were members of the Legislative Council (non-official). The committee has reported and most of its recommendations have been given effect to. (*e*) The Veterinary and Agricultural Retrenchment Committee consisting of nine members, of whom five were members of the Legislative Council (non-official). It was appointed to review the whole expenditure in the two departments ; action is being taken by the Government on the report of the committee. (*f*) The Police Committee with eight members, of whom three were Indians ; two members from the Finance Committee were asked to assist this committee. It was appointed by G. O. No. 43, Judicial, dated 25th January 1923. The committee's report reviewed various important questions connected with Police administration and their principal proposal in the direction of retrenchment was directed to the reduction of about 2,000 constables of the District Police. This proposal has been accepted by Government.

(2) The Committee for the Revision of Salaries of Non-Gazetted Officers appointed in pursuance of a resolution of the Council, dated 16th February 1921, and consisting of eight non-official members of the Legislative Council. The committee sent in a report, dated 1st March 1921 ; its recommendation regarding the raising of the minimum pay of clerks has been given effect to at an additional cost of Rs. 3·50 lakhs.

(3) The Board of Revenue Reorganization Committee. Eleven members, of whom six were members of the Legislative Council (non-official), appointed

in April 1921, with reference to a resolution in the Council, dated February 1921, to enquire into the feasibility of replacing the Board of Revenue by such alternative agencies as might be required in order to carry on the administration with economy and at the same time without loss of efficiency. The committee's recommendations were that the Commissioner of Income-tax should cease to be a Member of the Board, which should thereafter consist of three Members only; that the Land Revenue and Settlement Departments of the Board should be combined under a single Secretary with two Assistant Secretaries; and that the Board's office establishment should be curtailed. Effect has been given to these proposals.

(4) The Famine Code Revision Committee. Nine members, of whom three were members of the Legislative Council (non-official), appointed in August 1921, in pursuance of a resolution in the Council to revise the provisions of the Famine Code of 1914, after enquiry regarding wages and allowances. The committee suggested various amendments to the Famine Code and orders have been passed accepting the recommendations in most cases—G. O. No. 978, dated 23rd June 1923.

(5) The Education Reorganization Committee. Thirty-two members, of whom twenty-one were non-official members, including several members of the Legislative Council; president, M. R. Ry. Diwan Bahadur (now Sir) R. Venkataratnam Nayudu Garu. The committee was appointed in pursuance of a resolution carried in the Legislative Council on 1st September 1921. The committee made numerous recommendations having an important bearing on secondary and intermediate education and its report was published in February 1923. The report is under the consideration of the Government.

(6) A committee to examine certain matters connected with the establishment of an Andhra University. Twenty-one members, mostly members of the Legislative Council, of whom the Director of Public Instruction was the only official. The decision to appoint such a committee arose out of a resolution moved in the Council by Mr. M. Suryanarayana Pantulu on the 2nd September 1921. The committee's report was published in December 1922 and a draft Bill is under the consideration of the Government.

(7) A Committee on the School of Arts. Eleven members, of whom five were members of the Legislative Council (non-official), appointed in pursuance of a resolution in the Council, dated 2nd September 1921, to examine the whole question of the present working of the Madras School of Arts and to submit proposals as to the lines on which re-organization should proceed. The committee has submitted its report and orders have been passed in G. O. No. 250, dated 15th February 1923.

(8) A Committee on the Indigenous Systems of Medicine. Ten members, of whom four were members of the Legislative Council (non-official), appointed by G. O. No. 135, P. H., dated 17th October 1921, in pursuance of an undertaking given by the Minister for Local Self-Government on 10th February 1921, in answer to a question in the Council, dated 10th February 1921, and to a resolution moved in the Council on 21st February 1921. The chairman of the committee was a non-official member of the Legislative Council and yunani doctor, Khan Bahadur Muhammad Usman Sahib. The committee was asked to report on the question of the recognition and encouragement of indigenous systems of medicine. Its report has been reviewed by a special committee appointed by

the Government. Both the report and the review are under the consideration of the Government.

(9) The Water-rate Committee. Eight members, of whom five are members of the Legislative Council (non-official), appointed by G. O. No. 324, Revenue, dated 20th February 1922 (in pursuance of an undertaking given by the Government in the Council in November 1921), to advise the Government on various matters connected with the levy of water-rate. The recommendations of the committee are under the consideration of the Government.

(10) A Committee on Industrial and Technical Education. Nineteen members, of whom nine were members of the Legislative Council (non-official), appointed by G. O. No. 528, Development, dated 8th April 1922, in pursuance of an undertaking given by the Government at the Legislative Council meeting dated 15th November 1921, in answer to a motion made on that date. The committee enquired into the present equipment of the Presidency in the matter of industrial and technical education and drew up a comprehensive scheme. The committee's report, which is of considerable size, was published in G. O. No. 433, dated 6th April 1923, and is under examination by Government.

(11) A committee consisting of fourteen members, of whom seven were non-official members of the Legislative Council on the separation of the judicial and executive functions appointed by Government under G. O. No. 96, Judicial, dated the 18th February 1923, in pursuance of a resolution of the Legislative Council, dated the 22nd September 1922. The committee submitted its report, which was laid before the Legislative Council during the March session of 1924, with a statement of the views of the Government on the report. The Council recommended the adoption of the majority report of the committee. The matter is still under consideration.

(12) The Srirangam Temple Committee. Five members, including one member of the Legislative Council (non-official), appointed with reference to a resolution in the Council passed on 26th February 1923, to examine the necessity for repairs to the temple at Srirangam from the points of view of safety, archæological interest and sanitary requirements.

(13) A Committee to inquire into the Drainage and Irrigation of the Cauvery Delta appointed in pursuance of a resolution in the Council, dated 19th February 1921. Five members, of whom two are members of the Legislative Council (non-official). The committee has just transmitted its report.

(14) Three Forest Committees to consider and report on Forest Grievances in the districts of Coimbatore, Chittoor and Kurnool; appointed in pursuance of resolutions of the Council, dated respectively, 2nd August 1921, 6th February and 26th February 1923. The members of the committees are mainly non-official members of the Legislative Council.

The reports of the Coimbatore and Chittoor Committees have been received and their recommendations have been given effect to by Government. The report of the Kurnool Committee has not yet been received.

(15) The committee appointed in pursuance of a resolution of the Legislative Council, dated the 17th August 1920, to examine a scheme drawn up in January 1923 for the improvement of the condition of the Cooum river in Madras. The report of the Committee is now under the consideration of Gvernment.

(16) The Marina Hospital Committee constituted in November 1922 to examine and pass plans and to settle the financial and other details of the combined scheme for the establishment of a medical school and hospital for women, a children's hospital and a Victory Hall on the Marina. It controls the funds relating to the Victory Hall and certain other funds. The funds of the Children's Hospital Committee will also be taken over by the Committee in due course.

(17) The Board constituted to make proposals for starting a school of Indian medicine, etc.: along with this may be mentioned the sub-committee to consider the best means of utilizing the provision made in the budget for the encouragement of the indigenous systems of medicine. The reports of these committees are under consideration.

(18) In 1921 a resolution was moved by Mr. Tangavelu Pillai recommending that 50 per cent. of the seats allotted at the different Government and aided colleges be reserved for non-Brahman Hindus, Muhammadans and Christians. Upon an assurance being given by the Education Minister that the matter had repeatedly been considered by the Government who contemplated that in the matter of admissions the principals of colleges should be assisted in the matter of selection of students by a committee which would go into the matter impartially with the view to a fair distribution of the available educational facilities among different classes and castes, the resolution was withdrawn.

In pursuance of the assurance of the Education Minister committees have been constituted for all colleges, both arts and professional, under the Education Department. The committees consist of four members in each case, in addition to the principal of the college, the personnel being usually so constituted as to include adequate representation of classes other than Brahmans.

In pursuance of the same policy and in connexion with a Legislative Council question on the subject Selection Committees have been appointed in the Development Department to deal with the admission of students to the Veterinary College. In the case of the Agricultural College no committees have as yet been constituted. It has been decided that for the present the Hónourable the Minister, the Director of Agriculture and the Principal of the College should make the selections and that the matter should be further considered in the light of experience gained. As regards the Forest College, since admissions are at present confined almost entirely to subordinates employed already in the department no Selection Committees for the appointment of candidates have yet been created.

(19) In pursuance of a recommendation of the Retrenchment Committee [*vide* paragraph 24 (IV)(1)] the Government appointed committees in each district consisting of the president of the district board as chairman with a membership including the District Collector, the presidents of all taluk boards in the district and the Treasury Deputy Collector (1) to investigate the present financial position of all local bodies in the district, (2) to frame so far as possible a normal budget for each local body, (3) to fix a suitable figure in each case as a minimum closing balance, (4) to make inquiries into the possibilities of retrenchment

in expenditure of these bodies whether on establishments, works or contingencies and (5) to consider the question of dis-establishment of local bodies, the revenues of which are largely absorbed in the cost of their establishments. Orders are being passed on the reports of the committees by Government as they come in.

(20) A committee consisting of the Superintendent of Stationery, the Assistant Superintendent of Stationery and the commercial accountants to the Government to inquire into the system of accounts maintained in the Stationery office and other matters connected with the administration of the Stationery department.

(21) A committee on copy stamp papers consisting of the Superintendent of Stationery and Stamps, Dr. P. Subbarayan, M.L.C., and M. R. Ry. Rao Bahadur O. Tanikachalam Chettiyar Avargal, M.L.C.

24. *V. Retrenchments in the Public Works Department.*—The policy of retrenchment has been enforced with special rigour in the case of all classes of establishment in the Public Works Department with the result that the staff has been largely reduced. Among the more important reductions effected are the abolition of two circles of superintendence, 12 divisions and 25 sub-divisions (permanent and temporary) resulting in the reduction in the cadre strength of the Indian Service of Engineers from 79 to 56 and in the strength of the Madras Engineering Service from 106 to 74. The strength of the permanent upper subordinate establishment was reduced from 260 to 194 and 124 temporary upper subordinates were also discharged. The appointments of Deputy Secretary to Government and Assistant Secretary to Government in the Public Works Department Secretariat were abolished. In consequence of the reduction in the cadre of the Indian Service of Engineers referred to above and the resulting excess in the existing strength of the service, recruitment from Europe to this service has been stopped pending orders on the report of the Royal Commission on the Services. Promotion from the Provincial Engineering Service to the Indian Service of Engineers has also been stopped. The Public Works Department Secretariat was reduced by the abolition of the appointments of Deputy Secretary and Assistant Secretary. The Deputy Secretary's post was first sanctioned in 1911.

*Paragraph* 3 (*v*)—continued—*Council Secretaries.*

25. Three Council Secretaries under the Government of India Act were appointed by His Excellency the Governor in February 1921 and one such Secretary is assigned to each of the Ministers. Each of the three Council Secretaries is paid Rs. 500 per mensem in accordance with a vote of the House and enjoys the privileges and travelling allowances of a Government official so long as he is on duty and attached to his Minister, whether at headquarters or on tour. The three Council Secretaries first appointed were Messrs. E. Periyanayagam, M.L.C. (Indian Christian), A. Ramaswami Mudaliyar, M.L.C., and Dr. P. Subbarayan, M.L.C., and Bar-at-Law. Dr. P. Subbarayan resigned after a short tenure of office and was succeeded by Mr. R. K. Shanmukham Chettiyar, M.L.C., who also resigned after a short time and was succeeded by the present incumbent, Mr. T. Tangavelu Pillai, M.L.C., Bar-at-Law.

New Council Secretaries were appointed in March 1924 after the general election as under :—(1) Abdulla Ghattala Sahib Bahadur ; (2) Mr. S. Arpudaswami Udayar ; and (3) Mr. T. C. Tangavelu Pillai.

26. As regards the practical working of the system of Council Secretaries, the Ministers are of opinion that since their institution in February 1921 they have proved of very considerable assistance in various ways. They have sat on Select Committees on Bills introduced by the transferred side of the Government and both in this capacity and in the Council itself have helped materially towards the passage of various measures. They have also occasionally replied on behalf of the Ministers to resolutions and to motions on the budget. Owing to the fact that the heads of most of the transferred departments and the Secretaries to Government in those departments are not themselves members and cannot always be in attendance during the prolonged sittings of the Council, the Council Secretaries have proved of the greatest value in keeping the Ministers in touch with the opinions of different sections of the Council and in supplying them with such information as may be required in the course of a debate. In the constituencies they have been useful in interpreting the ministerial view both to members of the Council and to the electors and in keeping the Ministers in close touch with party opinion and feeling. The Council Secretaries have also been instrumental in securing the vote of the party on transferred subjects and on several occasions have been used for the same purpose on behalf of the reserved half of the Government. In fact it may be said generally that Council Secretaries have proved the utility of the institution and have contributed towards the smooth working of the Council.

*Paragraph* 3 (*vi*). *Relations between the Reformed Government and the Public Services.*

27. This branch of the subject, so far as the European services are concerned, is so large and so complicated that it is impossible to treat it fully within the limits of this report. It is an undoubted fact that there has been, and still is, an appreciable amount of discontent and a considerable feeling of insecurity among these services both as to the terms of their pay and pension and as to their general prospects. The feeling is partly due to the fact that in translating the spirit of the Reforms into practical action a considerable number of posts hitherto reserved or believed to be reserved for Europeans have been thrown open recently, and more are likely to be thrown open in the future, to Indians, as has been already done, to take typical instances, in the Educational and Agricultural services, while others have been abolished or threatened with abolition. A second cause is uncertainty as to how the constitution of India under the Reforms will develop in the future. A third arises out of the economic conditions which are a legacy of the war.

28. Speaking generally, the attitude of the services towards the Reforms has probably been very much the same in this Presidency as in the rest of India ; but the good points are perhaps more in evidence here than elsewhere. The relations between the Ministry and the heads of departments under their control have generally been cordial ; and the local Legislative Council, though

naturally sympathetic towards Indian aspirations, has not been unreasonable in its attitude towards the British services. Individual members of the service have undoubtedly found it difficult to serve under the altered conditions; but the great majority have accepted the change in a most loyal spirit and have done their best to make the Reforms a success. The best proof of harmony lies in the fact that, despite the enormous displacement of the centre of political gravity due to the Reforms, the departments have continued to be manned by the same individuals, as heads of departments or as Secretaries to Government, as before the Reforms. Naturally the efforts of these permanent officials have been generally directed towards maintaining continuity, but it is at the same time undeniable that greatly increased respect is now evinced by officials of all classes towards the decisions of the Council as well as towards the status of its members. Thus genial and cordial relations have been created between the chief representatives of the old and of the new regimé which, considering the short time the Reforms have been in operation, may be described as extremely satisfactory. The difficulties of the task are not to be denied or under-rated; and it has to be remembered that not only the officials but the people themselves have had to learn a new lesson. In many cases the latter have found it difficult to understand why the district officer, for instance, is not nearly so ready or so able to redress their grievances as he was in the days before the Reforms. That the centre of political gravity has been shifted is not quite so obvious to them as it is to those at the helm: but this very fact—the silent operation of the Reforms, so far as the mass of the people are concerned—may be pointed to as an index of their success.

*Paragraph* 3 (*vii*). *General effect of the Reforms on the cost and efficiency of the administration.*

29. *Cost.*—The Reforms may be said to have affected the cost of the administration in six principal ways:—

(1) At the outset of the Reforms the Madras Government were led to expect a very large increase in the revenue available for expenditure, and preparations were made to use it accordingly. The organization of a separate Labour department to promote the advancement of the depressed classes, the extension and development of the co-operative movement, the opening up and improvement of communications in the backward tracts of the Agency, larger grants to municipalities and local bodies for roads, water-supply and drainage works, extension of education in all its branches and development of industries may be mentioned as some of the many projects which called urgently for generous assistance. It is safe to say that inception would not have been given to many of these schemes, involving as they do large and increasing recurring expenditure, but for the anticipation of a large reduction of the contribution to imperial funds.

(2) The Ministry are pledged to their constituencies to promote development in what are called the 'nation-building' departments and are under constant pressure by the Council to do so. To quote only a single department, the large increase in grants to the Madras University under the new Act, the very large grants for vocational education and the proposed large expansion in elementary education, are cases in point.

(3) The check of the Council on expenditure is less rigorous than that previously exercised by the Government of India. There can be little doubt that had the previous control of the Imperial Government continued to be exercised, the Madras Government would have been compelled to close each financial year with a balance and this would have been done at the expense of the departments which have been 'transferred', that is to say, of the most modern departments which are anxious to spend and spend largely on schemes of development. It is needless to add that in this Presidency there is a strong and universal feeling against the heavy contribution which has to be paid to the Government of India; and the Ministers look forward with hope to the early realization of the assurance of relief given by the Secretary of State in the course of his speech during the recent debate in the House of Commons.

(4) The Council itself has urged large expenditure in many directions and has directly promoted it in the case of the subordinate services and the village officers. It has proposed schemes such as the creation of an Andhra University, the grant of free meals throughout the Presidency to school children of the poorer classes and large increases in the number of medical schools and colleges. Large improvements in the pay of the subordinate services were carried out in accordance with the recommendations of a Salaries Committee of the new Council, while as regards the village establishment, Government had to increase the pay of the village headmen to more than double what it was before, thus throwing an additional burden on the finances of the province of about 20 lakhs a year. There can be no question that this increase would not have been made under a bureaucratic Government. Steady pressure for the increase of the pay of the village establishment had been resisted for years prior to the Reforms.

(5) On the other hand the Council has pressed continuously for economies at the expense of the superior services and their amenities. As examples may be mentioned resolutions advocating the abolition of the Board of Revenue, the Land Records department and the post of Commissioner of Labour, curtailment of salaries of all appointments on Rs. 500 and over, and reconsideration of the Government Order allowing increased rates of travelling allowance. The Council has also rejected repeatedly proposals for the construction of very necessary residences for officials and has cut down the building programmes generally. In consequence of another agitation in the Council dating from before the Reforms, considerable economy has been effected by the decision of the Government arrived at in 1921 to reduce the period spent by the Government on the hills from six to three months. A very much reduced establishment is now taken to Ootacamund for the shorter period, and the move now costs Rs. ·15 lakh as against Rs. ·58 lakh in pre-Reform days.

(6) There has been a large increase of expenditure, not only in the office of the Council, but also on the travelling allowance of members, while the travelling allowance of non-official members of district and taluk boards has crippled very seriously the resources of those bodies. The printing and stationery charges for the Legislative Council are very large. For printing and binding alone the figures rose from Rs. 2,803 in 1920-21 to Rs. 14,549 in 1921-22, and Rs. 12,699 in 1922-23.

30. *Efficiency.*—As regards the question of efficiency, it is sufficient perhaps to state that the main change to be observed is that between a rigid adherence to a fixed policy and the constant formulation of new and progressive policies. The former is the more efficient so long as the policy is the right policy, but in its nature tends to be unprogressive. The latter is apt to be less efficient until the policy is established, but may result in changes which bring about economy as well as efficiency in the administration.

Another effect which is very noticeable in the post-Reform era is the general unsettlement of the minds of the permanent officials. They have been brought up to carry out definite policies without questioning the underlying reasons for them. They have now seen the policy of every department pulled up by the roots and examined *ab initio* and they are uncertain what is to be taken as established policy and what is not. Meanwhile the revision of all salaries and allowances, as well as of the financial codes, has produced undoubtedly inequalities which did not exist before, has resulted in a general uncertainty as to officers' positions and has prompted a spirit of questioning of authority and demurring to rules and orders which will render administration difficult until the services settle down again to an establishded order.

It is too early to pronounce with any certainty on the general question of efficiency; but, taking into consideration the great changes effected by the Reforms and the fact that they are still in their initial stage and that difficulties have necessarily been encountered, it may be stated that the efficiency of the administration has been fairly well maintained.

*Paragraph 3 (viii). Reforms and Local Self-Government.*

31. It is difficult to arrive at a correct appreciation of the effect of the Reforms on Local Self-Government in this Presidency, because simultaneously with them the operation of the administration of the local bodies has been greatly affected by two factors. The first of these was the complete revision just before the Reforms of the old Local Boards Act and District Municipalities Act which was accompanied by legislation relating to village panchayats' elementary education and town-planning, as well as by a large increase in the number of local bodies and the removal of them from official control which also involved depriving them to some extent of the assistance of the revenue and other staffs who had carried out a good deal of their work for them when the revenue officers were presidents. The second cause was the increase of prices which, while it rendered it necessary for them to increase their charges on account of establishment and otherwise, rendered Government unable to give them all they expected in the way of grants thus imposing a check on the new activities which they were anxious to pursue, and led to a state of affairs under which many of the local bodies have overdrawn their accounts at the treasury and close the year's working with considerable deficits.

32. There has certainly been an awakening of the civic consciousness of the people as a result of the Reforms and the policy of deofficialization, but it is too early yet to estimate results in the way of civic achievement.

33. There has been an unwillingness shown, which is not unnatural to elected bodies who have had new powers given them, to face the unpopularity

of imposing new taxes or even to collect sufficiently strictly those which they imposed, or to enforce the law in dealing with appeals for remissions, but with better financial conditions, there is every hope that the policy of giving wider powers to local bodies will in the future be justified.

34. The political aspect of Local Self-Government is dealt with in a later paragraph under the heading of 'Khilafat and non-co-operation.' For a short time and in certain quarters there was a tendency to introduce the doctrines of extremist politicians into local politics. But this was successfully combated by the Ministry and there is now little, if any, ground for complaint on that score.

## B.—The Legislature.

35. The work of the Legislative Council will be dealt with under the five heads suggested in the letter under reply, *viz.*,—

(i) Government Legislation.
(ii) Private Bills.
(iii) Financial Business.
(iv) Resolutions and Questions.
(v) Miscellaneous.

*Paragraph 4 (i). Government Legislation.*

36. A considerable number of legislative proposals which the Government had on hand during the latter half of the decade preceding the introduction of the Reforms had to be held up on account of the war. During the two years following the end of the war, five of these measures were introduced into the pre-Reform Council and were passed into law during the year 1920. These were—

(1) The District Municipalities Act, 1920.

(2) The Local Boards Act, 1920.

(3) The Village Panchayat Act, 1920.

(4) The Elementary Education Act, 1920.

(5) The Town-Planning Act, 1920.

(6) The Madras Village Courts Amendment Act, 1920.

37. Although these Acts have had very important effects on the post-Reform administration, it is unnecessary to refer to them in detail, because the passing of these measures belongs to the period anterior to the Reforms. Other projects of legislation, to be presently mentioned, had also been planned before the Reforms and though the reformed Council has had to deal with them in the different technical stages of legislation, they would in all likelihood have been proceeded with, whether there was a change of Government or not. These measures were—

(1) A Bil to amend the Madras Cattle Diseases Act, 1866 (Bill No. 3 of 1921). The object of the amendment was to give discretion to the keeper of a hospital pound in the matter of impounding animals suffering from infectious diseases, such as rinderpest. This Bill was introduced on the 11th March 1921 and passed into law on 1st August 1921.

(2) The Madras City Tenants Protection Bill (Bill No. 6 of 1921). In many parts of the city of Madras dwelling houses or other buildings had been erected by tenants on land belonging to others, in the full expectation that, subject to payment of a fair ground-rent, they would be left in undisturbed possession notwithstanding the absence of any contract as to the duration of the lease or as to the terms on which buildings should be erected. As, however, there had been attempts to evict a large number of such tenants, it was considered necessary to safeguard their interests by legislation. The Bill provided for the payment, as compensation to the tenant in case of ejectment, of the value of any buildings which might have been erected by him or by his predecessors in interest. It also provided for the settlement of a fair rent at the instance of the landlord.

The Bill was read for the first time on 3rd August 1921 and further considered on the 13th and the 15th of October 1921 and was passed into law on the 16th October 1921. On the 13th December 1921, a message was received from His Excellency the Governor suggesting an amendment to clause 12 of the Bill as passed. The consideration of this amendment was adjourned to the 16th December 1921, on which date the House agreed to the amendment and report was accordingly made to His Excellency the Governor.

(3) The Prince of Arcot Endowments Bill (Bill No. 5 of 1921). This measure aimed at providing for the better management of the charitable and religious endowments under the control of the Prince of Arcot. The Local Government, who had powers of supervision under a scheme of arbitration, sought to discharge that responsibility by legislative enactment. The Bill was introduced on the 1st August 1921 ; the report of the Select Committee was presented on the 13th November 1922, on which date the measure was passed into law.

(4) A Bill to amend the Port Trust Act, 1905 (Bill No. 9 of 1922). The Bill was meant to provide for the carrying out of a number of minor alterations in the Madras Port Trust Act, rendered necessary (1) for purposes of administrative convenience, *e.g.*, the constitution of the board, the appointment of a chairman and regulations for the benefit of the staff ; (2) for the transfer to agents of steamer lines of certain services hitherto imposed by law on the board ; and (3) for the issue and conversion of documents of security which are necessary whenever the Port Trust issues a loan. The Bill was read for the first time on the 12th September 1922. It was further considered on the 13th and 14th September and on the 17th November 1922 on which date it was finally passed into law.

(5) A Bill to amend the law relating to Survey of Lands and Settlement of Boundary Disputes (Bill No. 2 of 1911). The main object of the Bill was to make the decision of a survey officer as to boundary conclusive, unless it was challenged in a civil court, and to bring the law into accord with modern requirements, so as to cover the survey of estates or other similar areas, re-surveys, maintenance and the like. This Bill was introduced into the Council on the 14th February 1921 ; but its further consideration was postponed, according to the wish of the majority of the Council, till 1st August 1921, when it was read for the first time. The report of the Select Committee was presented in November 1922 and the Bill was passed into law on the 30th January 1923.

38. Among other important legislative measures conceived before the Reforms have to be prominently mentioned the two following :—(*a*) the Madras Irrigation Bill and (*b*) the Estates Land Bill.

(*a*) The Madras Irrigation Bill. The Government had for many years felt the necessity to define clearly the position of the State in respect of irrigation and to introduce an enactment with a view to enable the State to regulate irrigation in the interests of the general community and to secure control over the waters of rivers, streams, etc. The Bill, to introduce which an unsuccessful attempt was made by the Government in January 1923, was the result of reiterated draftsmanship, dating from the year 1856. Having been given up in 1861 and again in 1882, the project of legislation was revived in 1898 and again after the publication of the report of the Irrigation Commission in 1909. It was ready for the Legislative Council in 1914, when the war supervened and further progress had to be deferred. After the conclusion of the war the Bill was revised again to clear the doubts and difficulties created by recent judicial decisions particularly by the Privy Council decision in the Urlam case (I. L. R., 40 Mad. 886), and advantage was also taken of this revision to make the Bill a comprehensive measure by including in it provisions relating to water-rate and to the allied subjects of *mamul* wet, *kudimaramat* (contribution of labour by ryots according to custom), and irrigation panchayats. On 29th January 1923 the then Law Member, the late Sir K. Srinivasa Ayyangar, moved that the Bill be read for the first time. The motion was lost after a heated debate, 57 votes being recorded against, 19 for, and 10 being neutral. It may be noticed in this connexion that the special committee [paragraph 23 (5)] was unanimously of opinion that some legislation for the purpose of conferring on the Government the power to regulate irrigation is absolutely necessary. After further consideration of the measure by the Special Committee, the Bill was reintroduced in the Legislative Council in February 1924, and the motion for its first reading was carried by 83 votes to 13. It has since been referred to and considered by a Select Committee of the Legislative Council.

(*b*) The Estates Land Act (Amendment) Bill, which is intended to amend the Madras Estates Land Act, 1908, is another measure dating from the period before the Reforms. The project was first considered by an informal committee consisting of a few members of the then Legislative Council and certain representatives of the zamindari classes. The committee was presided over by the late Sir K. Srinivasa Ayyangar and the Bill thus prepared was referred to a special committee of the Cabinet. It has been decided to refer the Bill to another special committee under the chairmanship of the present Law Member.

39. The next category of legislative measures to be mentioned is that properly belonging to the period of the reformed Government, inasmuch as they are measures conceived since the year 1921 and more or less directly as a consequence of the Reforms. Three of these measures may be mentioned first, both on account of their priority in time and on account of the fact that they are mutually related as measures dealing with non-co-operation, a danger which seriously threatened law and order at the end of the year 1921 and

which urgently demanded the enactment of special measures for the purpose of combating it. These measures were—

(1) A Bill to amend the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1920 (Bill No. 10 of 1921). It was considered necessary that all municipal councillors and members of local boards should be required to make an oath or affirmation of their allegiance to the Crown, as the Government had received definite information that several councillors and members were not prepared to give this guarantee of their loyalty. The Bill was read for the first time and passed through the several subsequent stages, including its final passing into law, on the 16th December 1921. On the same day His Excellency the Governor addressed an important speech in person to the members of the Legislative Council referring to the recent attempts of non-co-operators to subvert law and order in the Presidency and appealing to all loyal citizens to support the Government in their efforts to secure obedience to the constitution of the country.

(2) A Bill to amend the Madras Revenue Recovery Act II of 1864 (Bill No. 1 of 1922). The provisions of the Revenue Recovery Act of 1864 were found inadequate in the face of the difficulties caused by passive resistance activities; and the procedure prescribed for the distraint and sale of properties, and to meet a default in the payment of tax, was found in such cases to be unnecessarily lengthy. The Bill aimed at shortening the procedure between attachment and sale in these abnormal cases. The Bill was read for the first time on the 14th February and was further considered and passed into law on the 16th February 1922.

(3) A Bill to amend the Madras Proprietary Estates Village Service Act, 1894, and the Hereditary Village Officers Act, 1895 (Bill No. 5 of 1922). In certain parts of the Presidency an organised attempt was being made by village officers to prevent the collection of the Government revenue by declining or refusing to do their duties or by suddenly resigning their office. They relied, however, on their hereditary right to secure their offices and emoluments for one member or another of their families. The Bill empowered the Government to take steps with a view to preventing such resignations and derelictions of duty. The Bill was read for the first time on the 18th February 1922; and after report by the Select Committee was passed into law on the 16th March 1922.

40. The taxation measures of the reformed Government may next be referred to. They were necessitated partly by the reduction in revenue due to non-co-operation and partly by the increase of salaries to village officers for which the Council had agitated. Of four such measures, two, namely, (1) a Bill to amend the Court Fees Act and (2) a Bill to amend the Stamp Act, were passed by the Council, and the other two were rejected on the motion for their first reading. The details of these measures are as follows:—

(*a*) A Bill to amend the Madras Court Fees Act, 1870 (Bill No. 6 of 1922). This financial measure was passed in exercise of the power vested in the local Legislature to amend any Act of the Imperial Legislature in order to meet the requirements of the provinces. The Bill was read for the first time on the 17th February 1922; and after report by the Select Committee was further

considere and passed on the 15th March 1922. On the 24th March 1922 a message was received from His Excellency the Governor drawing attention to a certain drafting omission which was thereupon rectified by the Council; and report was made accordingly to His Excellency the Governor.

(*b*) A Bill to amend the Indian Stamp Act, 1899, in its application to the Presidency of Madras. This financial measure was also passed in the exercise of the power vested in the local Legislature to amend any Act of the Imperial Legislature in order to meet the requirements of the province. The Bill was read for the first time on the 17th February 1922 and the report of the Select Committee was considered and the measure was passed into law on the 15th March 1922.

A Bill to amend this Act in order to rectify certain mistakes in schedule 1-A was introduced and passed into law on the 6th February 1923.

(*c*) A Bill to amend the Madras Proprietary Estates Village Services Act, 1894 (Bill No. 3 of 1922). This Bill was essentially a financial measure and was designed to meet the extra cost involved in the revision of the pay of the village establishments in proprietary areas. The motion that the Bill be read for the first time was made on 17th February 1922 by the Hon'ble the Revenue Member, Mr. (now Sir) Muhammad Habib-ul-lah. There was a warm debate on that and the next day with the result that the motion was lost by thirteen against fifty-three votes on 18th February 1922.

(*d*) A Bill for the levy of a Cess in Ryotwari Villages towards the Remuneration of Village Officers and for other purposes connected with the discharge of their duty (Bill No. 4 of 1922). This also was a financial measure designed to find funds to meet the extra cost entailed by the revision of the pay of village headmen. This mesaure was the counterpart of the foregoing Bill and, like it, was intended to raise funds by means of a special cess for the purpose of revising and increasing the pay of village headmen. The motion that the Bill be read for the first time was made by the same Honourable Member on behalf of the Government on 18th February 1922 and after a debate was lost by twelve against fifty-four votes on the same date.

(*e*) A Bill (No. 4 of 1923) further to amend the Court Fees Act, 1870, in its application to the Presidency of Madras, a measure intended to levy fees on memoranda of appearance fixed by legal practitioners other than advocates in criminal cases was introduced in the Council in November 1923 but was withdrawn as the new Council was not desirous to commit itself to a taxation enactment.

(*f*) A Bill to regulate the assessment and the revision of the assessment of the land revenue in the Presidency of Madras, which was designed to place on a statutory basis the limitation of the rates, the main principles on which the land revenue is determined, the methods of valuation, the pitch of assessment, the periods of revision, the graduation of enhancements and the other chief processes of settlement was sought to be introduced by the Government. Although the House was practically unanimous in wishing for legislation on the subject, it did not accept this Bill, as it did not give to the Legislative Council any power to fix the rates of settlement. The motion that the Bill

be read in Council was therefore lost on the 28th March 1924, 18 members voting for the motion and 68 against it.

41. The next group of legislative measures, though relegated to this place by the chronological order of events, comprises three memorable landmarks left by the Ministers. Each of these measures was initiated and piloted through the House by one of them, the State Aid to Industries Bill by the Hon'ble Mr. (now Sir) K. Venkatareddi Nayudu, the Madras University Reorganisation Bill by the Hon'ble Rao Bahadur A. P. Patro, and the Hindu Religious Endowments Bill by the Hon'ble the Raja of Panagal. The following statement presents a more detailed account of these measures :—

(*a*) A Bill to regulate State Aid to Industries (Bill No. 8 of 1922). This measure was designed to encourage new and nascent industries suitable to, and not hitherto established in, this Province and to assist cottage and other small industrialists to build up business, and to this end to afford State assistance to industrial enterprises in this Presidency, partly by direct financial aid and partly by providing, on favourable terms, raw materials such as firewood, water, etc., being the property of Government. The Bill was read for the first time on the 14th November 1922 ; the report of the Select Committee was presented on the 19th December 1922, and the measure was passed into law on the 20th December 1922. This Act has received the assent of His Excellency the Governor and His Excellency the Viceroy and has been brought into force.

(*b*) A Bill to provide for the Reorganization of the Madras University (Bill No. 10 of 1922). The University of Madras had been till recently an affiliating University, whose main function was to conduct examinations and grant degrees. The main objects of the measure were (*a*) to bring the University into closer contact with the colleges, (*b*) to enable it to take a greater and more active part in organizing the teaching given to its students and (*c*) to create an academic atmosphere and a feeling of corporate unity among the institutions by which it is for certain purposes held to be constituted. The motion that the Bill be read for the first time was made in the Council on the 14th November 1922 and carried after three days' debate on the 16th November. The report of the Select Committee was presented on the 22nd December 1922 and further considered from the 30th January to 5th February 1923, on which date it was passed into law. The Act has since received the assent of His Excellency the Governor and His Excellency the Viceroy and has been brought into force.

(*c*) The Madras Religious Endowments Bill (Bill No. 12 of 1922). The Government of India Act XX of 1863 was found inadequate to ensure the efficient administration of Hindu religious endowments in this Presidency, and there had been widespread dissatisfaction with the management and control of religious institutions falling under sections 3 and 4 of this Act. It was considered preferable to repeal the Act of 1863 altogether so far as this Presidency was concerned, and to enact a self-contained measure to deal with the whole subject of religious endowments. The following features of the Bill may be specially mentioned : (*a*) constitution of a special board of control ; (*b*) provisions for regularly constituted committees to supervise and control

religious endowments, to settle *dittams*, etc., and (c) provisions for the diversion of surplus funds by applying the *cyprès* doctrine. The motion that the Bill be read for the first time was made on the 18th December 1922 and carried after two days' debate on the 19th December. The report of the Select Committee was presented on the 22nd March 1923 and further considered from the 26th to 29th March and on the 2nd and 3rd April 1923. On the last-mentioned date the measure was passed by the Council. The Bill was submitted for His Excellency the Governor's assent on the 3rd May 1923. But various criticisms and protests were received by His Excellency the Governor in respect of the Bill and after a careful consideration of the same he decided to return certain portions of the Bill regarding the applicability of the Act to mutts, the jurisdiction of courts, etc., to the Council for reconsideration under section 81-A of the Government of India Act. The amendments recommended by His Excellency the Governor were accepted by the Council on 3rd April 1924, several members of the Council who were opposed to the Bill not taking part in the consideration of or the voting on the amendments. The Bill as finally passed received the assent of His Excellency the Governor on the 7th April 1924 and it has been submitted to His Excellency the Viceroy for his assent.

42. In addition to the important measures above mentioned, the following Bills on miscellaneous matters also engaged the attention of the Council during the period under review :—

(1) The Deputy President's Salary Bill (Bill No. 1 of 1921). This was intended to provide for the salary of the Deputy President which has to be determined by an Act of the Legislature under section 72-C of the Government of India Act. It was passed into law on the 14th February 1921.

(2) A Bill to amend the District Municipalities Act, 1920 (Bill No. 7 of 1921). Section 366 of the Madras District Municipalities Act, 1920, required that one-third of the number of elected seats on a municipal council, as reconstituted under that Act, shall be vacated on 1st November 1922, and the remainder on 1st November 1923. Owing to the time taken in the preparation of the electoral rolls and for the holding of the elections under the Act, the period for which elected councillors could be in office was rendered unduly short. The amending Bill extended the term of office of councillors by one year in each case. It was passed into law on the 3rd September 1921.

(3) A Bill to amend the Madras City Municipal Act, 1919 (Bill No. 2 of 1922). The amending Bill (*i*) removed a defect in the original Act under which companies whose paid-up capital was exactly one, two, three, five, ten or twenty lakhs escaped taxation; (*ii*) enhanced the rate of tax on motor vehicles plying for hire in the city; and (*iii*) empowered the Commissioner of the Madras Corporation and the Government to incur certain ordinary charges. It was passed into law on the 14th March 1922.

(4) The Malabar Completion of Trials Bill, 1922 (Bill No. 11 of 1922). This measure was designed to continue the enhanced powers conferred by ordinance on certain first-class magistrates to deal with the large number of offenders implicated in the Malabar rebellion during 1921-22, on the cessation of the special courts constituted under the Malabar (Restoration of Order) Ordinance, 1922. It was passed into law on the 12th December 1922.

(5) A Bill further to amend the Madras City Municipalities Act, 1919 (Bill No. 14 of 1922). This measure was deemed necessary to do away with the statutory prohibition in the case of the Commissioner, Revenue Officer, Health Officer and Engineer of the Madras Corporation, to take up any honorary or paid work not connected with their office. It was passed into law on the 20th December 1922.

(6) and (7) A Bill to amend the Madras District Municipalities Act, 1920, and a Bill to amend the Madras Local Boards Act, 1920. The main object of these Bills is to remedy certain defects which experience with the actual working of the original Acts has brought to light in the matter of constitutions, taxation and levy of tolls and the undertaking of remunerative enterprises. Both Bills were read for the first time on the 6th February 1923, but no further progress has yet been made.

(8) The Tuticorin Port Trust Bill. This measure was designed to make provision for the regulation of conservancy and improvement of the Port of Tuticorin and for the constitution of a Board of Trustees to administer the port under the control of the Local Government. This was introduced and referred to a Select Committee on the 29th November 1923. The Select Committee's report was presented on the 5th February 1924 and the Bill finally passed into law on the 7th February 1924. During the consideration of the Bill by the Council the following clause was inserted, *viz.*, clause (8) (*f*) :—

"or (*f*) not being an Indian by birth is domiciled in any British possession or Colony as defined in the Interpretation Act of 1889 the laws of which do not confer or recognize rights and privileges in respect of resident Indians which are equal to those conferred or recognized in respect of other residents, provided that the decision of the Local Government shall be final as to whether the conditions of the clause are fulfilled."

and thus the Council expressed its feeling of resentment at the treatment accorded in certain colonies against resident Indians as such.

(9) Bills to repeal the Stage Carriages Act, 1861,and to amend the Madras Hackney Carriage Act, 1911 ; to amend the criminal law in force in the Presidency, to prevent pilfering in workshops and industrial areas ; to amend the Madras Children's Act, 1920, were also under the Council's consideration during the period under report. The last-named measure was passed into law in April 1924.

*Paragraph 4 (i)—continued—Salient points in regard to Government Legislation.*

43. While the Council has rendered full assistance to the Executive in all measures intended to preserve the peace and order of the country it is noteworthy that three important legislative measures [paragraphs 38 (*a*) and 40 (*c*) and (*d*) supra] proposed by the Government were opposed by a majority in the Council and rejected on the very threshold. Of these two were measures intended to secure additional revenue to cover additional expenditure proposed by the Council itself on the pay of village officers ; the particular proposition of the Government to find the money by reimposing the village-cess on ryotwari and zamindari lands was thrown out by the Council, which, however, was at the same time prepared to pass, and did eventually pass, other financial measures, such as those meant to enhance certain court fees and certain stamp duties in the Presidency [paragraph 40 (*a*) and (*b*);

A like fate was shared at the beginning of the year 1923 by an Irrigation Bill which was stoutly and successfully opposed by practically all the respresentatives of the landholding interests, both great and small, in the Council. Steps have however been taken by the Government [*vide* paragraph 23 (5) supra] to ascertain the wishes of the chief representatives of public opinion in regard to the Irrigation Bill and it has been since re-introduced and referred to a Select Committee.

The new Council has shown a decided opposition to any increase in taxation and to any measure which did not confer on it direct control in the matter of fixing the rate of taxation. A Bill to amend the Court Fees Act [*vide* paragraph 40 (*a*) supra] was withdrawn as the sense of the House was against it. And the Council actually rejected the Land Revenue Settlement Bill [*vide* paragraph 41 (*d*) supra] as it did not contain any clause giving the Council a right to fix the rates of settlement.

4. The only measure which may be said to raise a racial issue was clause 8 of the Tuticorin Port Trust Act ; this was a retaliatory provision against certain colonies which were not according equal treatment to Indians. The Religious Endowments Act was a measure of social reform while the Madras University Act was designed to reform and reorganize the Madras University and the State Aid to Industries Act was intended for the protection of industries and the regulation of State aid to them. In three cases Bills passed by the Council were returned by His Excellency the Governor for the purpose of incorporating in them certain amendments which were suggested and which were eventually adopted by the Council [paragraphs 37 (2) and 40 (*a*) supra]. There have been no cases so far of the certification or reservation of Bills or of the withholding of assent or of the resort to regulations, or other extraordinary legislative powers during the period under review. Six ordinances were promulgated by His Excellency the Viceroy in connexion with the Mappilla rebellion.

*Paragraph 4 (ii). Private Bills.*

45. Private Bills have not played any conspicuous part in the proceedings of the reformed Council. Private Bills in the sense in which they are understood in England practically do not exist in this country; as all Bills passed by the Legislature are what would be called public Bills in the language of the British Parliament. As in England, however, non-official members of the Council are always at liberty to bring in public Bills and of such there have been a few instances during the last three years.

46. For instance, leave was given by the Council for the introduction of four non-official Bill—one to amend the City Municipal Act, 1919, two to amend the Madras Municipalities Act, 1920 and the Malabar Tenancy Bill. In the case of the Bill to amend the City Municipal Act, the object was to do away with the compulsory prepayment of increased assessment before presenting a petition for the revision of the assessment. Leave to introduce the Bill was granted to Mr. Usman Sahib, M.L.C., on the 1st April 1921 ; the Bill was read for the first time on the 1st August 1921 and passed into law on 13th October 1921. Two Bills to amend the District Municipaliies Act were aimed respectively at raising the rate of toll levied on every cart, whether laden or unladen, and at extending to three years the period during which an elected

chairman should hold office. The former Bill, of which the author was Mr. P. Siva Rao, M.L.C., was brought before the Council on 1st August 1921 for leave to introduce, was read for the first time on 13th October 1921 and was passed into law on 15th October 1921. The second Bill, in respect of which Mr. T. A. Ramalinga Chettiyar obtained leave to introduce on 1st September 1921, was read for the first time on 14th October 1921 and passed into law on 13th December 1921.

47. Leave to introduce was not granted in the case of the following non-official members' Bills. On 16th November 1922 Mr. T. M. Narasimhacharlu sought leave to introduce a Bill to amend the Madras Elementary Education Act, so as to provide for the proper representation of local authorities on educational councils, but the Council refused leave. On 12th September 1922 Mr. K. Gopalakrishnayya made a motion for leave to introduce a Bill to amend the Local Boards Act, 1920, in a matter of minor detail and likewise a similar motion for leave to amend the District Municipalities Act, 1920; both motions were withdrawn by the member on the advice of the Minister for Local Self-Government. In September 1922 Mr. M. Suryanarayana, after giving notice of a motion for leave to introduce a Bill to amend the District Municipalities Act, 1920, also on a point of detail, refrained from making any motion to this effect. No objects or reasons were stated on this occasion.

48. Certain other Bills of which notice was given by non-official members during the first reformed Council were not brought on the agenda at all owing to the operation of the ballot standing order—see paragraph 64 below. These were (*a*) a Local Option Bill of which notice had been given by the Leader of the Opposition, and (*b*) a Malabar Tenancy Bill of which notice had been given by two non-official members, and (*c*) The Tarwad Management Bill.

Leave to introduce the second of the above measures was granted by the Council in April 1924 and it will be taken up at the next session.

*Paragraph 4 (iii). Financial Business.*

49. Four successive budgets, those for the years 1921-22, 1922-23, 1923-24 and 1924-25, have been so far presented to the Council, to be dealt with in accordance with the extended powers of voting or revising supplies granted by the Government of India Act. The course of the budget discussion provided by the rules and standing orders is as follows. The budget is presented to the Council by the Finance Member on a date previously notified, which is usually a late date in February or an early day in March. (*a*) When the budget has been in the hands of members for two or three days, a further period of three days is allowed for a general discussion during which the majority of non-official members make speeches of fifteen minutes' maximum duration apiece to which the other Members of the Government followed by the Finance Member reply at the close of the third day. (*b*) During the three days following the general discussion members are at liberty to send in notices of motions for omitting or curtailing either particular items or totals of expenditure in any part of the budget which is subject to the vote of the Council. (*c*) After the lapse of six further days the various Members of the Cabinet who are responsible for the demands in the budget present their demands in order and these are voted on by the Council subject to restrictions of time as to the maximum period

allowed for the discussion of particular demands. The discussion of the several motions for the omission or reduction of grants continues for nine or ten days (maximum twelve days) and the consideration of the budget is brought to an end towards the close of the financial year.

50. The following statement shows the number of budget motions received, admitted and discussed in each of the three years under review :—

| *Budget motions.* | 1920-21. | 1921-22. | 1922-23. | 1923-24. | *Total.* |
|---|---|---|---|---|---|
| Received .. .. | 540 | 840 | 1,050 | 1,274 | 3,704 |
| Admitted .. .. | 343 | 794 | 1,005 | 1,251 | 3,393 |
| Discussed .. .. | 276 | 174 | 203 | 100 | 753 |

51. The bulk of the motions were aimed in the beginning at cutting out slices, more or less considerable, from the Government demands rather than at criticising definite features of the Government policy, which is the main trend of a budget discussion in the House of Commons. The absence of an organized opposition as well as the lack of means of official communication between the whips on either side was probably responsible for the haphazard way in which the budget was attacked at the commencement. In subsequent years however the members began to evince some grasp of the principles of budgetary criticism and a measure of progress from particular to general schemes of attack is noticeable in the more recent budget debates. One marked feature that characterized the budget discussion of 1924 was that comparatively few motions under each of the heads considered were discussed at very great length so that all the demands from XXI to XXVIII including important ones such as Public Health, Industries and Civil Works had to be guillotined for want of time. There have been few occasions on which the Government have had to restore grants rejected by the Council. Four cases are on record—

(1) the restoration, on a certificate by His Excellency the Governor, of a demand of Rs. 2·16 lakhs for the Russellkonda Saw Mill (Budget 1921-22);

(2) the restoration, on a similar certificate, of a demand of Rs. 9,840 on account of the Chief Inspector of Factories included in Demand XXV, Rs. 9·59 lakhs (Budget 1923-24);

(3) the restoration, on a similar certificate, of a demand of Rs. 5 lakhs for expenditure in the Agency tracts included in Demand XXXIV, 33·6 lakhs (Budget 1923-24); and

(4) the restoration, on a similar certificate, of a demand of Rs. 97,661 on account of Secretariat and Headquarters establishment—Board of Revenue, included in Demand I (Budget 1924-25).

52. A statement showing the reductions in budget grants made by the Council for each of the four years 1921-22, 1922-23, 1923-24 and 1924-25 and the further grants applied for by Government in each year is furnished below :—

Table showing, under reserved and transferred subjects, respectively, the reductions that have been made in the budget by the vote of the Council and

the restorations that have been effected by the certificate of His Excellency the Governor :—

| Head of account. | Budget, 1921-22. | | Budget, 1922-23. | | Budget, 1923-24. | | Budget, 1924-25. | |
|---|---|---|---|---|---|---|---|---|
| | Reserved. | Transferred. | Reserved. | Transferred. | Reserved. | Transferred. | Reserved. | Transferred. |
| | *Lakhs* | *Lakhs* | *Lakhs* | *Lakhs* | *Lakhs* | *Lakhs* | *Lakhs* | *Lakhs* |
| 5. Land Revenue .. | 5·15 | .. | 5·00 | .. | ·28 | .. | .. | .. |
| 6. Excise* .. .. | .. | ·50 | .. | ·30 | .. | .. | .. | .. |
| 7. Stamps .. .. | .. | .. | .. | .. | .. | .. | ·01 | .. |
| 8. Forest .. .. | 2·16† | .. | 1·06 | .. | 1·00 | .. | .. | .. |
| 9. Registration .. | .. | .. | .. | ·03 | .. | .. | .. | .. |
| 22. General Administration | ·18 | .. | .. | .. | ·64 | .. | ·98‡ | .. |
| 24. Administration of Justice. | ·43 | .. | 1·11 | .. | ·20 | .. | Rs. 100 | .. |
| 25. Jails and Convict Settlements. | .. | .. | 2·00 | .. | ·50 | .. | 1·00 | .. |
| 26. Police .. .. | .. | .. | 1·00 | .. | .. | .. | .. | .. |
| 34. Agriculture .. | .. | .. | .. | ·02 | .. | .. | .. | .. |
| 37. Miscellaneous Departments. | 1·00 | .. | ·21 | .. | ·10† | .. | .. | .. |
| 41. Civil Works .. | .. | 4·75 | .. | ·13 | .. | 1·35 | .. | .. |
| 47. Miscellaneous .. | .. | .. | ·20 | .. | .. | .. | .. | .. |
| Agency Division .. | .. | .. | .. | .. | 5·00† | .. | .. | .. |
| Loans and Advances by the Provincial Governmento | .. | .. | 12·0 | .. | .. | .. | .. | .. |
| Total .. | 8·92 | 5·25 | 22·58 | ·48 | 7·72 | 1·35 | 1·99 | .. |

*The Provincial demand for Excise for the three years 1921-22 to 1923-24 represents two-thirds of the charges of the joint Salt and Excise Department.

†These reductions were restored by the Local Government on certificate by His Excellency the Governor under section 72-D of the Government of India Act.

‡The sum of ·98 lakh is made up of Rs. 97·661 for 'Board of Revenue' and Rs. 100 for 'Legislative Councils.' The former item of Rs. 97,661 has been restored by His Excellency the Governor under section 72-D of the Government of India Act.

53. Towards the close of the voting of grants by the Council it has been the practice for the Government to move additional demands to meet the expenditure necessitated by the following among other reasons :—

(*a*) Provision has to be made for the pay or the allowances due for March and payable in April in respect of appointments which have been abolished or the allowances which have been cut out as a result of the voting of grants by the Council.

(*b*) Provision has to be made for urgent new items of expenditure which might have to be incurred between April and August when the House would not be sitting and which could not be foreseen at the time the budget was presented to the Council.

The total sums voted by the Council as additional demands in the four years under review were as follows :—

| | Lakhs. |
|---|---|
| 1921-22 .. .. .. .. .. .. .. | 17·95 |
| 1922-23 .. .. .. .. .. .. .. | 31·23 |
| 1923-24 .. .. .. .. .. .. .. | 10·58 |
| 1924-25 .. .. .. .. .. .. .. | 1·01 |

*Paragraph 4 (iv). Resolutions and Questions.*

54. The reformed Council in this Presidency has been very active in making interpellations and motions on matters of general public interest, ordinarily called resolutions. Both privileges no doubt existed under the Minto-Morley Reforms, but the fact that they can be much more effectively used in the reformed Council which contains a greater number of representatives of the people has materially tended to increase the importance of this branch of legislative business which entails in consequence far more work than before on the Executive Government.

55. In the following table an attempt is made to analyse the 3,000 odd questions asked in the Council during the period under review, to distinguish the proportion of those admitted and answered and those disallowed and also to show at a glance the various reasons for disallowance :—

*Questions for the three years 1920-21, 1921-22, 1922-23 and 1923-24 (first session).*

| | |
|---|---|
| Total number received .. .. .. .. .. | 4,389 |
| Total number admitted and answered .. .. .. .. | 3,836 |
| Total number disallowed .. .. .. .. .. | 321 |
| Lapsed .. .. .. .. .. .. | 226 |
| Supplemental questions .. .. .. .. .. | 2,703 |

*Grounds of disallowance.*

| | Total number. |
|---|---|
| (1) Disallowed, as being in the nature of suggestions for action and not of request for information .. .. | 158 |
| (2) Argumentative .. .. .. .. .. | 4 |
| (3) Questions relating to matters which are not primarily the concern of the Local Government .. .. | 68 |
| (4) Questions containing statements for the accuracy of which the interpellator was not prepared to vouch, especially citations from newspapers .. .. .. | 5 |
| (5) Questions which were disallowed as being hypothetical and not relating to matters of fact .. .. .. | 6 |
| (6) Questions bearing on matters under adjudication by a court of law or justice .. .. .. .. | 2 |
| (7) Questions not relating to any of the branches of the administration for which the Government Member or Minister interpellated was responsible .. .. .. | 21 |
| (8) Questions not within the special cognizance of any Member of the Government .. .. .. .. | 17 |
| (9) Questions not bearing on matters of public concern .. | 15 |
| (10) Questions relating to Native States .. .. | 6 |
| (11) Abstract legal questions .. .. .. .. | 1 |
| (12) Questions of excessive length .. .. .. | 5 |
| (13) Questions relating to matters of hardship to individuals and not involving any principle of administration .. | 6 |
| (14) Questions which merely asked for an expression of opinion .. .. .. .. .. .. | 6 |
| (15) Questions anticipating budget motions .. .. | 1 |
| Total .. | 321 |

56. It may be noted that questions are seldom disallowed in the Madras Council without giving the interpellators an opportunity of amending them in conformity with the rules and standing orders. The most common ground of disallowance is that a question, instead of asking for information, suggests

to the Government a line of action which it would be impossible to concede or discuss without first consulting local officers or the wishes of the Council as a whole. Another, though less frequent, ground of disallowance is that a question relates to a matter which is primarily the concern not of the Local Government, but of the Government of India or of a body, like a railway company or an electrical corporation, which is not under the official control of the Government. Where a question offends by reason of excessive length, an endeavour is first of all made to induce the interpellator to shorten it, and the small number of questions (5) disallowed on this ground represents the residue after carrying on more or less prolonged correspondence with the members concerned.

57. It would be difficult to single out typical questions from among the great variety of those asked at every meeting of the Council (except perhaps to mention that 255 questions were asked in the first three years about communal representation in the public service); nor would it serve any purpose to catalogue those instances where the asking of a question has led to definite action on the part of the Government, because such action is an ordinary and necessary incident of the administration. It is obvious that where further action is promised in the answer to a question and there is no subsequent evidence of action having been taken, the interpellator will probably return to the charge by means either of a renewed interpellation or of a notice of a resolution. The number of occasions on which the members have taken action in either of these ways, has been few compared with those on which the Government willingly and promptly took the promised action. Of the total of supplementary questions asked, it is noticeable that during the first three years only 444 such questions were put; in the first session of 1923-24, however, the right of putting such questions was far more freely exercised. During the latter period the number of supplementary questions was 2,259, being nearly thrice the number (912) of main questions admitted and answered. The reason is perhaps to be found in an increasing tendency to 'heckle.'

The result was that question time had to be extended on some days beyond the prescribed period of one hour leaving less time for the transaction of the remaining orders of the Day. The Hon'ble the President had eventually to enforce rigidly the time limit for questions and to introduce the system of taking as answered such questions in the list of questions and answers for the day as were not reached within the first hour set apart for questions. However, care is taken to include in the list for a day only a limited number of questions which, as judged by ordinary experience, can be answered within the space of an hour.

58. Oral questions are seldom asked in the Madras Council unless the public or their representatives in the Council desire immediate information upon a recent event of importance; such questions were asked, with the concurrence of the Members of the Government concerned, and were answered by them, during the progress of the Malabar rebellion and the Rampa fituri, and on the occurrence of famine or of floods.

59. Practically all questions admitted are answered by the Government, although the normal period of seven days allowed by the standing orders has been frequently exceeded in cases where the complicated nature of the information demanded, or the necessity of making local inquiries, warranted

delay. It will be seen from the statement given at the beginning of this section that only 226 admitted questions lapsed by reason of their being still under the consideration of departments of the Government at the time of a prorogation of the Council.

*Resolutions or motions on matters of general public interest.*

60. Of 115 days occupied by sittings of the reformed Council during the first three years the major portion of 39 days was devoted to the discussion of motions of general public interest, exclusive of budget motions, which, as mentioned in paragraph 49 supra, regularly occupy nine or ten days in every year.

During the first session of the second Council, the Council sat for thirty-four days of which fourteen days were taken up by work connected with the presentation of and discussions on the budget. Some six days were devoted to the consideration of motions on matters of general public interest, the remaining time, *viz.*, fourteen days being taken up by Bills and miscellaneous motions.

61. The following statement shows at a glance the number of notices of resolutions received during the three sessions of the first reformed Council, and the first session of the second Council, the numbers admitted and disallowed (with the grounds of disallowance), and the number disposed of by the Council. The balance undisposed of, 629, is partly due to notice of motion lapsing by prorogation, and partly due to the dropping out of certain motions by reason of their being identical with others already disposed of. Several lapses of notices of resolutions were no doubt also due to the system of ballot hitherto in force. This defect has since been remedied by an amendment of the standing orders :—

| *Notices of resolutions received* | 1920—23. | 1923—24. |
|---|---|---|
| Total number received .. .. .. .. | 906 | 327 |
| Admitted .. .. .. .. .. .. | 788 | 304 |
| Total number disallowed .. .. .. .. | 118 | 23 |
| Do. disposed of in Council .. .. .. | 438 | 25 |
| *Grounds of disallowance.* | | |
| (1) As not being primarily the concern of the Local Government .. .. .. .. .. .. | 76 | 11 |
| (2) As not containing a specific recommendation to Government .. .. .. .. .. .. | 3 | .. |
| (3) As not raising a definite issue .. .. .. | 3 | 4 |
| (4) As not being a matter of general public interest .. | 4 | .. |
| (5) As a matter concerning His Excellency the Governor and not a Member .. .. .. .. .. | 1 | .. |
| (6) As detrimental to public interests .. .. .. | 2 | .. |
| (7) As not being the concern of the Council .. .. | 1 | .. |
| (8) As interfering in matters of executive control .. | 3 | .. |
| (9) As relating to the appropriation of funds and therefore requiring the recommendation of His Excellency the Governor .. .. .. .. .. | 4 | 2 |
| (10) As having been discussed within one year previous .. | 18 | 5 |
| (11) As relating to the administration of a Prince under His Majesty's suzerainty .. .. .. .. | 1 | .. |
| (12) For want of notice .. .. .. .. | 1 | .. |
| (13) As not falling within the category of motions on matters of general public interest .. .. .. .. | 1 | 1 |
| Total .. | 118 | 23 |

62. The most interesting resolutions are no doubt those which have been carried, either with the concurrence of the Government or despite their opposition. The Government regularly place on the table at the commencement of each session a list of resolutions carried by the Council during the previous session, together with a statement of the action taken by them upon each, or of the reasons which have precluded the taking of any action. The following is the list for the three years :—

*Statement of resolutions passed by the Madras Legislative Council and the action taken thereon by the Government.*

I.—FIRST YEAR.

*(8th January to 2nd April 1921.)*

| Serial number and subject of resolution. (1) | When passed by the Council. (2) | Nature of the action taken by Government. (3) |
|---|---|---|
| 1. Postponement of the adoption of resettlement proposals till the principles of land revenue settlement are embodied in legislation. | 15th February 1921. | The Government agreed to expedite the Land Revenue Settlement Bill with a view to passing it by July 1922 and in this hope also agreed that no orders on settlement schemes would be passed before the Bill passed into law. The Council having however since declared for permanent settlement (*vide* second year, No. 33 below), renewed correspondence with the Government of India has become necessary and in the meanwhile the Government cannot delay the progress of settlement any longer, since to do so would be to sacrifice the public revenues to a considerable extent. |
| 2. Appointment of a committee for the revision of salaries of non-gazetted services. | 16th February 1921. | Committee appointed—G. O. no. 148-Financial, dated the 17th February 1921, *vide* paragraph 24 (2) supra for the action taken by the Government. |
| 3. Relief of rural areas from scarcity in drinking water-supply —Ganjam district. | 17th February 1921. | A provincial grant of Rs. 20,000 was sanctioned to the district board for sinking wells—G. O. no. 278-P. H., dated the 22nd March 1921. |
| 4. Half-fees for Muhammadan students in aided schools and colleges. | 18th February 1921. | Necessary amendments to the Grant-in-Aid Code and the Madras Educational Rules have been notified—G. O. no. 1405-Education, dated the 29th September 1921. |
| 5. Appointment of a committee to inquire into the drainage and irrigation in the Cauvery delta. | 19th February 1921. | Committee appointed—*vide* G. O. no. 1[illegible]-I., dated the 8th June 1921, paragraph 24 (13) supra. |
| 6. Waiving of recovery of contributions from local bodies for the maintenance of headquarter hospitals. | Do. | The recommendation has been given effect to—G. O. no. 493-Finance, dated 11th May 1921. |

## I.—FIRST YEAR—*contd.*

### (*8th January to 2nd April 1921*)—contd.

| Serial number and subject of resolution. (1). | When passed by the Council. (2) | Nature ot the action taken by Government. (3) |
|---|---|---|
| 7 Encouregement of the indigenous systems of medicine. | 21st February 1921. | A committee has been appointed to report on the subject—G. O. no 964, P. H. dated 17th October 1921; paragraph 24 (8) supra. |
| 8. Revision of Agency rules .. | 5th March 1921 | The revised rules are under consideration. |
| 9. Postponement of the bifurcation of the Kistna district and redistribution of the districts of Ganjam, Vizagapatam, Godavari and Kistna. | Do. | The Government have called for proposals for the redistribution of the districts of Ganjam, Vizagapatam, Godavari and Kistna. |
| 10. Racial distinctions among railway passengers. | Do. | A copy of the proceedings on the subject was forwarded to the Railway Board for necessary action. A note of the action taken with regard to retiring rooms has been published in G. O. No. 56-Ry., dated 23rd July 1921. |
| 11. Appointment of a committee to consider the question of the abolition of the Board of Revenue. | 17th March 1921 | Committee appointed and its recommendations given effect to—*vide* paragraph 24 (3) supra. |
| 12. Enfranchisement of women | 1st April 1921 | Necessary regulation framed under the Madras Electoral Rules—G. O. no. 108-Legislative, dated the 10th May 1921. |
| 13. Provincial contribution to the Central Government. | Do. | The Government of India and the Secretary of State have been addressed. |
| 14. Recruitment to judicial offices from the bar and communal representation therein. | 2nd April 1921 | The observations made in the debate will be borne in mind as vacancies arise. |

## II.—SECOND YEAR.

### (*1st August 1921 to 27th March 1922.*)

| | | |
|---|---|---|
| 1. Reduction of the strength of the Executive Council. | 1st August 1921 | The proceedings were forwarded to the Government of India for transmission to the Secretary of State. |
| 2. Appointment of a committee to revise the Famine Code. | Do. | A committee was appointed—G. O. no. 1962-Revenue, dated the 31st August 1921; paragraph 24 (4) supra. |
| 3 Ownership of river poramboke lands in Malabar. | Do. | The matter was not, as pointed out by the Government in the course of the debate, properly one for executive action, but was a matter for the parties interested to establish their rights, if any in a Court of Law. |

## II.—SECOND YEAR—*contd.*

### (*1st August 1921 to 27th March 1922*)—contd.

| Serial number and subject of resolution. (1) | When passed by the Council. (2) | Nature of the action taken by Government. (3). |
|---|---|---|
| 4. Addition of statement to the administration report of the Forest Department showing the extent of each class of reserved forest, districtwar. | 2nd August 1921 | A statement in the form desired has been incorporated in the administration report—G. O. no. 1934-Development, dated 14th October 1921. |
| 5. Appointment of a committee to inquire into forest grievances in the Coimbatore district. | Do. | A committee was appointed for the Coimbatore district—G. O. no. 1856-Development, dated 4th October 1921; paragraph 24 (14) supra. |
| 6. Disafforestation of forests lying within one mile of occupied area in villages. | Do. | The Government have announced that they are ready to institute inquiries in any individual cases of hardship that may be brought to notice—G. Os. no. 1933-Development, dated the 14th October 1921 and no. 30-Development, dated 6th January 1922. |
| 7. Disafforestation of class V forests in the Chittoor district. | Do. | After discussion with the Advisory Committee on Forest administration the Government decided that the adoption of the recommendation would be detrimental to the public interests—G. Os. no. 1932-Development, dated 14th October 1921 and no. 31-Development, dated 6th January 1922. |
| 8. Improvement of grazing grounds by providing drinking water facilities. | Do. | The question is under examination and orders will issue shortly. |
| 9. Reduction of seigniorage rates for forest produce in Godavari district. | Do. | The Collector of the district has been directed to reduce the rates if in any respect he thinks there is cause for doing so—G. Os. no. 2084, dated 7th November 1921 and no. 2185, dated 24th November 1921. |
| 10. Committee to consider the improvement of excise administration. | 3rd August 1921 | An Advisory Committee of the Council was appointed. It has advised that no separate committee is called for—G. O. no. 2642-Revenue, dated 2nd December 1921; paragraph 21 (2) supra. |
| 11. Dr. Gour's Civil Marriage Bill | Do. | A copy of the report of the debate was forwarded to the Government of India. |
| 12. Exemption of members of the Legislative Council from restrictions under the Indian Arms Act. | 4th August 1921 | A copy of the resolution with a report of the debate was forwarded to the Government of India. |

## II.—SECOND YEAR—*contd.*

### (*1st August 1921 to 27th March 1922*)—contd.

| Serial number and subject of resolution. (1) | When passed by the Council. (2) | Nature of the action taken by Government. (3) |
|---|---|---|
| 13. Revocation of G. O. no. 163-Finance, dated the 18th February 1921, regarding the rates of travelling allowances. | 5th August 1921 | The Government were unable to give effect to the resolution for reasons given in G. O. no. 1170-Finance, dated 30th November 1921, but have since carried out a complete revision of the rates in consultation with the Finance Committee. |
| 14. Communal representation in the public services. | Do. | Instructions were issued in G. Os. no. 613-Public, dated 16th September 1921, and no. 658-Public, dated 15th August 1922. |
| 15. Communal representation in the Secretariat. | Do. | Names of suitable non-Brahman candidates have been obtained and are considered as vacancies arise. |
| 16. Increase of pay to village headmen. | 6th August 1921 | Orders have issued in G. O. no. 1482-Revenue, dated 15th August 1922. |
| 17. Appointment of a committee to suggest reforms in secondary and intermediate education. | 1st September 1921. | A committee has been appointed—G. O. no. 1557-Education, dated 25th October 1921—*vide* paragraph 24 (5) supra for the action taken by the Government. |
| 18. Admission of maximum number of students in colleges. | Do. | Orders have issued—*vide* G. Os. no. 694-Law (Education), dated 6th June 1922, and no. 713-Law (Education), dated 10th June 1922. |
| 19. Raising the status of the Government Islamia School, Trichinopoly. | Do. | The question has been deferred pending the permanent transfer to the Government of the site and buildings. |
| 20. Appointment of a committee to reorganize the School of Arts. | 2nd September 1921. | A committee was appointed in G. O. no. 1881-Development, dated 6th October 1921. The Government have issued orders on the committee's report ; paragraph 24 (7) supra. |
| 21. Grant of Takkavi loans—Resolution recommending—<br>(*i*) that the loans granted in famine-affected areas should be free of interest ;<br>(*ii*) that the repayment of the first instalment should be postponed to January 1922 ; and<br>(*iii*) that a portion of the principal up to one-half of the aggregate sum advanced should be remitted according to the circumstances of the debtors. | 3rd September 1921. | The Board of Revenue has submitted a report on the financial loss involved in proposals (i) and (ii) and the Government have decided to proceed under the rules in the Takkavi Manual which are sufficiently elastic to meet hard cases. As regards proposal (iii), the Collectors concerned have been directed to submit half-yearly reports and recommendations. |

## II.—SECOND YEAR—*contd.*

### (*1st August 1921 to 27th March 1922*)—contd.

| Serial number and subject of resolution. (1) | When passed by the Council. (2) | Nature of the action taken by Government. (3) |
|---|---|---|
| 22. Opening of telegraph offices at Pulivendla, Rayachoti and Badvel. | 3rd September 1921. | The Postmaster-General has been asked to take action. |
| 23. Use of the term 'Achari' for members of the Viswakarma Community. | 14th October 1921. | Orders were issued in G. O. no. 1955-Law (General), dated 19th November 1921, in accordance with the undertaking given in the Council. |
| 24. Provincial contribution to Central Government. | 15th October 1921. | A deputation waited on His Excellency the Viceroy in February 1922 to represent the case of this Province. |
| 25. Action taken by Government on the resolutions passed by the Legislative Council during each session. | Do. | Orders have issued in the sense desired —G. O no. 264-Law (Legislative), dated 22nd November 1921. |
| 26. Uniformity of text-books for schools under public management and other aided schools. | 15th October 1921. | Requisite amendments to the Madras Educational Rules notified in G. O. no. 123-Law (Education), dated 30th January 1922. |
| 27. Ceylon quarantine restrictions | Do. | A copy of the report of the debate was forwarded to the Ceylon Government with whom the question is still under discussion. |
| 28. Appointment of a special officer to compile information regarding Presidency establishment on a communal basis. | Do. | Orders regarding the compilation of the information desired have issued in G. O. no. 658-Public, dated 15th August 1922. |
| 29. Modification of rules relating to the levy of penalty for default in payment of income-tax. | 16th November 1921. | A copy of the report of the debate was forwarded to the Government of India for consideration when rules under the new Income-tax Act were framed. |
| 30. Curtailment of salaries of appointments on Rs. 500 and above. | 17th November 1921. | The Council was informed of the reasons why effect could not be given to the resolution—*vide* paragraph 16 of the Hon'ble the Finance Member's speech, dated the 4th March 1922, made when presenting the budget for 1922-23. The question is now under examination by the Retrenchment Committee. |
| 31. Placing on the Council table orders creating new appointments on Rs. 500 and above. | 13th December 1921. | Orders have issued in the sense desired —G. O. no. 42-Finance, dated 11th January 1922. |
| 32. Location of the court of Special Deputy Collector, Chandragiri. | Do. | The court has since been abolished. |

## II.—SECOND YEAR—*contd.*

*(1st August 1921 to 27th March 1922)*—concld.

| Serial number and subject of resolution. (1) | When passed by the Council. (2) | Nature of the action taken by Government. (3) |
|---|---|---|
| **33.** Introduction of permanent settlement of land revenue in the ryotwari holdings of the Presidency. | 14th December 1921. | The Government of India have been addressed in the matter. |
| **34.** Honorifics for Oriya names .. | 15th December 1921. | Orders were issued in G. O. no. 430-Law (General), dated 17th February 1922. |
| **35.** Issue of a vernacular manual of laws for the common people. | 19th December 1921. | Action could not be taken owing to financial stringency. |
| **36.** Repeal of orders regarding collection of punitive tax from the people of Kamudi and neighbouring villages (Ramnad district). | 21st January 1922. | The collection of the punitive tax has been discontinued and the force has been retained as part of the general strength of the district. |
| **37.** Changing of the name of Panchama or Paraiya into Adi-Dravida. | 22nd January 1922. | Orders were issued in G. O. no. 817-Law (General), dated 25th March 1922, in accordance with the undertaking given in the Council. |

## III.—THIRD YEAR.

*(August 1922 to April 1923.)*

| | | |
|---|---|---|
| **1.** Reduction of the price of each day's proceedings of the Council to two annas. | 13th September 1922. | Price reduced—G. O. no. 242-Law (Legislative), dated the 25th October 1922. |
| **1.** The British Empire Exhibition | 14th September 1922. | All arrangements connected with the Exhibition have been entrusted to a general committee which has in its turn appointed an Executive Committee with the Director of Industries as Chairman. On this committee's advice the proposal to hold a local exhibition has been abandoned. Arrangements for participation in the British Empire Exhibition are in progress. The Legislative Council has since voted 1½ lakhs for the purpose. |
| **2.** Withdrawal of the powers of the Agency Commissioner to deport individuals. | Do | Accepted by Government. Draft Bill on the subject is pending the repeal of the State Prisoner's Regulation by the Central Legislature. The abolition of the post of Agency Commissioner is under consideration. |
| **4.** Appointment of Indians as Conservators of Forests, Deputy Inspector-General of Police and Members of the Board of Revenue. | Do. | Resolution recorded by Government, pending the occurrence of vacancies which will give an opportunity of giving effect to it. |

## III.—THIRD YEAR—*contd.*

*(August 1922 to April 1923)*—contd.

| Serial number and subject of resolution. (1) | When passed by the Council. (2) | Nature of the action taken by Government. (3) |
|---|---|---|
| 5. Increase in the number of certified public auditors. | 14th September 1922. | A press communiqué has been issued explaining why effect could not be given to the resolution—G. O. no. 410-Law, dated 5th February 1923. |
| 6. Construction of the Palghat-Manantoddy railway. | 15th September 1922. | The preliminary survey of the Shoranur-Manantoddy line having been completed, the Railway Board sanctioned a detailed survey of the Shoranur-Nilambur section and have also accorded permission to land being notified for acquisition. The survey has recently been completed. The Government have under consideration the question of financing the project and are taking steps towards the early construction of the line. |
| 7. Appointment of a Retrenchment Committee. | 16th September 1922. | Orders have been issued in G. O. no. 796-Finance, dated 22nd September 1922; paragraph 24 (1) supra. |
| 8. Postponement of resettlement proposals in respect of Anantapur and Bellary districts. | Do. | Resolution as amended was accepted by Government. Instructions issued accordingly. |
| 9. Separation of judicial and executive functions. | 22nd September 1922. | A special committee under the presidency of Mr. F. A. Coleridge, I.C.S., was appointed to consider the question. The committee has submitted a report which is now under the consideration of the Government; paragraph 24 (11) supra. |
| 10. Appointment of a committee in each district to investigate the grievances of ryots in respect of forest reserves lying within a mile of the village site or of the cultivated area of a village. | 6th February 1923. | Committee appointed for Chittoor district as a test case. Orders were issued in G. O. no. 742-Development, dated 23rd May 1923; paragraph 24 (4) supra. |
| 11. Appointment of a committee to examine forest grievances in the Kurnool district. | 26th February 1923. | Committee appointed for the Kurnool district. Orders were issued in G. O. no. 435-Development, dated 23rd March 1923, which has been placed on the Editor's Table; paragraph 24 (14) supra. |
| 12. Addition of a section to the Presidency Administration Report relating to members of the depressed classes in Government service. | Do. | Motion was withdrawn by the mover but the suggestion has been accepted by the Government. The question of giving effect to it is under reference to the Accountant-General. |
| 13. Repairs to the Srirangam temple. | Do. | Action will be taken after personal inspection by the committee appointed—*vide* paragraph 24 (12) supra. |

The following is a list of Resolutions moved during the first session of the second reformed Legislative Council :—

| Serial number. | Date of meeting with number of resolution on agenda. | Resolution. | Final result of resolution. | Remarks. |
|---|---|---|---|---|
| | | *Minimum pay of village officers.* | | |
| 1 | No. 1 (16), dated 10th December 1923. | That this Council recommends to the Government that the minimum pay of village officers be fixed at Rs. 20.<br>*Proposed* by Mr. C. V. Venkataramana Ayyangar and *seconded* by Mr. R. Srinivasa Ayyangar. | Lost. | |
| | | *Execution of the Polavaram Island project in the Godavari district.* | | |
| 2 | No. 2 (26), dated 10th December 1923. | That this Council recommends to the Government the immediate execution of the irrigation scheme known as the Polavaram Island project in the district of Godavari, the investigation of which has been completed in all its aspects.<br>*Proposed* by Rai Bahadur Sir K. Venkatareddi Nayudu and *seconded* by Diwan Bahadur K. Suryanarayanamurti Nayudu. | Withdrawn. | |
| | | *Committee to consider water-supply to the town of Coimbatore.* | | |
| 3 | No. 3 (15), dated 10th December 1923. | That this Council recommends to the Government that a committee of officials and non-officials be appoined to report on the best way of introducing water-supply to the town of Coimbatore at an early date.<br>*Proposed* by Mr. C. V. Venkataramana Ayyangar and *seconded* by Rao Bahadur T. A. Ramalinga Chettiyar. | Lost. | |
| | | *A committee to improve the irrigation facilities in the Coimbatore district.* | | |
| 4 | No. 4 (35), dated 10th December 1923. | That this Council recommends to the Government that a committee be appointed to report on the best ways and means that can be adopted to improve the irrigation facilities in the Comibatore district without much cost to the Government.<br>*Proposed* by Mr. C. V. Venkataramana Ayyangar and *seconded* by Rao Bahadur T. A. Ramalinga Chettiyar. | Withdrawn. | |

| Serial number. | Date of meeting with number of resolution on agenda. | Resolution. | Final result of resolution. | Remarks. |
|---|---|---|---|---|
| | | *Establishment of sugarcane farm in the western taluks of Bellary district.* | | |
| 5 | No. 5 (8), dated 10th December 1923. | That this Council recommends to the Government to establish a sugarcane farm in the western taluks of the Bellary district.<br>*Proposed* by Mr. A Ranganatha Mudaliyar and *seconded* by Mr. Abdul Hye Sahib. | Withdrawn. | |
| | | *Wet rates of lands under first-class irrigation sources in the Bellary and Anantapur districts.* | | |
| 6 | No. 6 (6), dated 10th December 1923. | That this Council recommends to the Government that in modification of the orders contained in G. O. no. 1332, Revenue, dated 21st July 1922, the wet rates in the case of lands under first-class irrigation sources be enhanced by 5 per cent only with effect from next fasli, *viz.*, fasli 1333, and that the remaining rates of assessment remain unaltered for the period of re-settlement.<br>*Proposed* by Mr. A. Ranganatha Mudaliyar and *seconded* by Mr. Abdul Hye Sahib.<br>*Amendment.—For* all the words beginning with in modification of the words, *substitute* 'the G. O. no. 332, Revenue, dated 21st July 1922, may not be enforced until the principles of land revenue settlement are codified and placed on a legislative basis.'<br>*Proposed* by Mr. P. Siva Rao and *seconded* by Diwan Bahadur P. Kesava Pillai. | Amendment carried and further consideration on amended resolution adjourned to Thursday, 13th December 1923, on which date the resolution as amended was passed. | Orders passed in G. O. no. 249, Revenue, dated 16th February 1924. |
| | | *Appointment of a Deputy Director of Agriculture as Principal of the Agricultural College.* | | |
| 7 | No. 8 (9), dated 10th December 1923. | That this Council recommends to the Government that one of the Deputy Directors of Agriculture who is a graduate in Agriculture and possesses the necessary district experience be appointed as the Principal of the Agricultural College at Coimbatore.<br>*Proposed* by Mr. A. Ranganatha Mudaliyar and *seconded* by Mr. P. Peddiraju. | Adjourned to Friday, the 14th December 1923, on which day the motion was withdrawn. | |

| Serial number. | Date of meeting with number of resolution on agenda. | Resolution. | Final result of resolution. | Remarks. |
|---|---|---|---|---|
| | | *Daily and mileage allowances to district board presidents.* | | |
| 8 | No. 9 (11), dated 10th December 1923. | That this Council recommends to the Government that presidents of district boards be given a daily allowance of Rs. 7-8-0 for all halts and mileage allowance at 10 annas a mile for the first 25 miles and at half the rate for the remainder of the distance when the journey exceeds 20 miles.<br>*Proposed* by Mr. A. Ranganatha Mudaliyar and *seconded* by Mr. R. Srinivasa Ayyangar. | Passed .. | Orders passed in G. O. no. 119, L. & M., dated 11th January 1924 and G. O. no. 1023, dated 16th April 1924. |
| | | *The British Empire Exhibition.* | | |
| 9 | No. 11 (29), dated 10th December 1923. | That this Council recommends to the Government of Madras that it should withdraw from any further participation in the British Empire Exhibition of 1924 to be held in London.<br>*Proposed* by Mr. S. Satyamurti and *seconded* by Rao Sahib U. Rama Rao.<br>*Amendment.*—In line 2 *omit* the words 'withdraw from any further participation in' and *substitute* therefor the following words: 'incur no further liability in connexion with."<br>*Proposed* by Rao Bahadur O. Tanikachala Chettiyar and *seconded* by Mr. S. Arpudaswami Udayar. | Passed as amended. | Accepted by Government. |
| | | *Improvement of works of irrigation in Nellore district.* | | |
| 10 | No. 13 (24), dated 10th December 1923. | That this Council recommends to the Government to take special steps for the improvement and extension of works of irrigation in the Nellore district.<br>*Proposed* by Rao Bahadur A. S. Krishna Rao Pantulu and *seconded* by Mr. J. D. Samuel. | Passed with the omission of the word 'special.' | Under consideration of Government. |
| | | *Levy of a fee on lands to be included in the ayacut registers.* | | |
| 11 | No. 14 (38), dated 10th December 1923. | That this Council recommends to the Government that notiefiation no. 151, dated 9th December 1920, published in the *Kistna District Gazette* for levying a fee on lands to be included in the ayacut registers should be cancelled.<br>*Proposed* by Mr. P. Peddiraju and *seconded* by Mr. M. Seetayya. | Adjourned to the 8th February 1924 on which date the motion was passed. | Under consideration of Government and the Board of Revenue. |

| Serial number. | Date of meeting with number of resolution on agenda. | Resolution. | Final result of resolution. | Remarks. |
|---|---|---|---|---|
| | | *Election of presidents to district boards.* | | |
| 12 | No. 15 (1), dated 10th December 1923. | That this Council recommends to the Government that all district boards should be given the right to elect their own presidents, unless, for reasons to be notified in the *Fort St. George Gazette*, the Government decide to the contrary.<br>*Proposed* by Mr. A. Ranganatha Mudaliyar and *seconded* by Mr. P. Peddiraju.<br>*Amendment.*—From the original resolution *delete* the words 'unless for reasons to be notified in the *Fort St. George Gazette*, the Government decide to the contrary' and *substitute* the words 'subject to the reservation that nominations may be resorted to for the purpose of securing adequate representation to Mussalman and other minority communities."<br>*Proposed* by Khan Bahadur P. Khalif-ul-lah Sahib and *seconded* by Mr. S. Satyamurti.<br>*Amendment.*—*Delete* all the words after the word 'unless' and *substitute* therefor the following: 'For securing the adequate representation of Muhammadans and other minority communities or for other reasons to be notified in the *Fort St. George Gazette*, the Government decide to the contrary.'<br>*Proposed* by Mr. A. Ramaswami Mudaliyar and *seconded* by Muhammad Yahya Ali Sahib. | Amendment withdrawn.<br>Amendment accepted and resolution passed as amended. | The policy indicated has been accepted by Government. |
| | | *Suspension of the enhanced rate of land revenue in the Tanjore district.* | | |
| 13 | No. 17 (41), dated 11th December 1923. | That this Council recommends to the Government that the collection of land revenue at the enhanced rate in the Tanjore district from January 1924 be suspended for one year at least till the principles of land revenue settlement are embodied in legislation. | Lost. | |

| Serial number. | Date of meeting with number of resolution on agenda. | Resolution. | Final result of resolution. | Remarks. |
|---|---|---|---|---|
| | | *Proposed* by Mr. S. Muttayya Mudaliar and *seconded* by Mr. R. Srinivasa Ayyangar.<br><br>*Amendment.—For* all the words beginning with 'that the collection of land revenue' *substitute* 'that a committee with a majority of elected Members of this Council be appointed to consider the proposals made for the resettlement of the Tanjore district, and the Government Order thereon, and propose the changes they would recommend within three months, that the Government Order be modified in the light of the recommendations of the committee and that pending the final decision, collection of revenue be made on the basis of the existing rates and that the enhancement that may ultimately be decided upon be collected as a special instalment in the last month of current fasli.<br><br>*Proposed* by Rao Bahadur T. A. Ramalinga Chettiyar and *seconded* by Mr. M. R. Seturatnam Ayyar. | Amendment lost. | |
| 14 | No. 1 (165), dated 8th February 1924. | *Stopping of further amalgamation of villages.*<br><br>That this Council recommends to the Government that further grouping of villages may be forthwith stopped.<br>*Proposed* by Diwan Bahadur P. Kesava Pillai and *seconded* by Rao Bahadur C. Natesa Mudaliyar.<br>*Amendment.—After* the word 'villages,' in line 2 *insert* the words 'both in ryotwari and zamindari areas,' and *add* at the end the following: 'and that proposals, if any, for abolishing or not paying emoluments to any of the village officers in zamindari villages be dropped."<br>*Proposed* by Mr. B. Muniswami Nayudu and *seconded* by Rao Bahadur K. Krishnaswami Nayudu. | Passed as amended. | Under the consideration of Government. |

| Serial number. | Date of meeting with number of resolution on agenda. | Resolution. | Final result of resolution. | Remarks. |
|---|---|---|---|---|
| | | *Amendment.*—That the words after 'Government that' in the amended motion be omitted and the following words be inserted: 'the policy of grouping villages be discontinued both in ryotwari and zamindari areas and that the villages amalgamated during the last two years be divided into their original units and the village officers who were removed consequent on such amalgamation be restored to their offices.'<br>*Proposed* by Mr. A. Ramaswami Mudaliyar and *seconded* by Diwan Bahadur M. Krishnan Nayar.<br>*Amendment.*—That the words 'and menials' be inserted after the words 'village officers' in the motion under discussion.<br>*Proposed* by Mr. P. Anjaneyalu and *seconded* by Mr. K. Koti Reddi. | | |
| | | *Appointment of persons above 60 years of age as Public Prosecutors.* | | |
| 15 | No. 2 (97), dated 8th February 1924. | That this Council recommends to the Government that in future persons aged 60 years or above be not appointed to or continued in the office of pubilc prosecutor.<br>*Proposed* by Mr. Abbas Ali Khan for Mr. T. N. Baba Ravuttar Sahib and *seconded* by Mr. Muhammad Moosa Sait. | Withdrawn. | |
| | | *Remission of assessment in areas affected by flood.* | | |
| 16 | No. 3 (78), dated 9th February 1924. | That this Council recommends to the Government that in view of the destruction of the first crop by the recent floods and of the scarcity of water for the existing second crop, remission of assessment to the extent of two-thirds may be ordered on all wet lands yielding second crop whereon the first crop was destroyed by the floods.<br>*Proposed* by Mr. Mahabala Hedge and *seconded* by Rao Sahib U. Rama Rao. | Amendment was accepted, but the resolution was withdrawn. | |

| Serial number. | Date of meeting with number of resolution on agenda. | Resolution. | Final result of resolution. | Remarks. |
|---|---|---|---|---|
| | | *Amendment.—After* the words "floods" in line 2 *insert* the words 'in the South Kanara district.'<br>*Proposed* by Rao Sahib U. Rama Rao and *seconded* by Mr. K. Prabhakaran Tampan. | | |
| | | *Reinstatement of Ghat talaiyaris.* | | |
| 17 | No. 1 (191), dated 3rd April 1924. | That this Council recommends to the Government that the Ghat talaiyaris who have been removed in pursuance of the Rotrenchment Scheme be reinstated.<br>*Proposed* by Mr. Koti Reddi and *seconded* by Diwan Bahadur P. Kesava Pillai. | Passed .. | Under consideration. |
| | | *Release of Mappilla prisoners convicted of certain offences.* | | |
| 18 | No. 4, (66), dated 3rd April 1924. | That this Council recommends to the Government that all the Mappilla prisoners convicted for offences connected with the rebellion other than offences of murder and offences involving serious actual personal violence be released.<br>*Proposed* by Mr. Abbas Ali Khan and *seconded* by Khan Bahadur Haji Abdulla Haji Quasim Sahib. | Do. .. | Do |
| | | *Remission of assessment on second crops in Malabar.* | | |
| 19 | No. 7 (84), dated 3rd April 1924. | That this Council recommends to the Government that the assessment on second crops in places affected by the recent drought in Malabar be remitted.<br>*Proposed* by Mr. K. Prabhakaran Tampan and *seconded* by Diwan Bahadur M. Krishnan Nayar. | Withdrawn. | |

63. An analysis of the foregoing list of resolutions passed by the Council will probably reveal the want of a clear distinction between policy and administrative practice in the minds of the Council politicians, especially of those who have been in, or associated with, the Government service, and who, since their assumption of the rôle of members of the Legislative Council, have shown a

tendency to interfere in administrative detail when they might have better confined themselves to examining questions of policy. As regards the effect of these tendencies, reference may be made on the one hand to the committees which have re-examined policy *ab initio* in almost every department—*vide* paragraphs 18 to 24 supra—and on the other to the resolutions of the Council suggesting interference in quite minor matters of administrative detail. On the whole it might be said that the Government have disarmed many suspicions by placing all their cards upon the table, and that generally speaking the result has been an increased amount of co-operation in all branches of the administration.

64. *Ballot for resolutions.*—Although standing order 5 (2) provides that the relative precedence of notices of Bills and resolutions given by non-official members shall be determined by ballot, the Council was content, until September 1921, to take up the motions in the order arranged by the Secretary. In September 1921, however, on the representation of the then leader of the House Sir Lionel Davidson, the system of ballot for resolutions was first introduced; this was extended to Bills on 20th January 1923, both Bills and resolutions contending together in one ballot. The low place obtained by Bills on this system—one result of which was that notices of two Bills of importance given by non-official members (a Malabar Tenancy Bill and a Local Option Bill) never came on the agenda at all, but lapsed by prorogation led to steps being taken to amend the standing orders; and it is now provided by virtue of these amendments, (1) that non-official members' Bills and notices of resolutions should be ballotted for separately according to the names of members, no member being entitled to ballot for more than one Bill and one resolution in the same ballot; (2) that the priority determined by a ballot should hold good for thirty days only and that after thirty days a fresh ballot should be held, at which notices previously ballotted for but not already moved in the Council may compete for priority on renewal of the same; (3) that not less than fifteen notices of resolutions arranged in order of priority should be placed on the agenda paper on each day available for this class of business; and (4) that all non-official members' Bills should be dealt with by the Council in the ballot order before any motions on matters of general public interest are taken up. These changes will relieve to a considerable extent the congestion of business, not only in the Council, but also in the several departments of Government which hitherto have had to work up cases on hundreds of resolutions that have never come up for disposal.

*Paragraph 4 (v). Miscellaneous.*

65. Under this heading fall (*a*) motions for the adjournment of business on matters of urgent public importance, (*b*) motions not falling under any of the recognized categories of motions, (*c*) motions relating to the amendment of standing orders, and (*d*) the extent to which the nomination of experts has been resorted to in the Council:

(*a*) The following is a list of motions for the adjournment of the business of the House for debates on matters of urgent public importance. Such debates, unless disallowed by the Governor under rule 22 (2), take place between 4 and

6-30 P.M. on the day on which any such motion is made, provided the leave of the House has been obtained :—

*Motions for adjournment of debate.*

| Subject. | Reference to Council Proceedings. | Result. |
|---|---|---|
| (1) Arrest of the non-co-operator, Yaqub Hasan. | Vol. I, pages 340—342 and 392 to 412. | Talked out. |
| (2) Shooting in Madras of persons concerned in labour riost. | Vol. II, pages 629—630 | Motion disallowed by His Excellency the Governor. |
| (3) Disturbances caused by labour troubles. | Vol. III, pages 962 and 1005—1032. | Talked out. |
| (4) Train tragedy resulting in the death from asphyxiation of 70 Mapoilla prisoners. | Vol. IV, pages 1655-1656 and 1699—1725. | Talked out. |
| (5) Extension of Criminal Law (Amendment) Act of 1908. | Vol. IV, page 1795 .. | Leave of the House not granted. |
| (6) British Premier's speech referring to the position and prospects of the Indian Civil Service. | Vol. VIII, page 65 .. | Motion disallowed by His Excellency the Governor. |
| (7) Provincial contribution to the Central Government. | Vol. VIII, pages 389—90 and 431—435. | Motion put and carried. |
| (8) The issue of a whip by the Hon'ble Minister for local self-Government in connexion with the no-confidence motion of Mr. C. Ramalinga Reddi—5th February 1924. | Vol XVI, pages 50, 90—119. | The motion was talked out. |
| (9) The effect on the present Reforms of the statements made by the Hon'ble Member for Finance at the meeting of the Legislative Council on 7th February 1924 that the bulk of the duties in relation to the Public services are laid upon the Governor and that he must take the initiative in making appointments—4th March 1924. | Vol. XVII, pages 69, 94—123. | Do. |
| (10) The sending of a telegram by some Honourable Members of this Council to the Government of India supporting the maintenance of the salt duty at Rs. 2 per maund if the provincial contribution from Madras is to be reduced—18th March 1924. | Vol. XVIII, pages 609—613. | The notice was ruled out of order by the Hon'ble the President. |
| (11) The situation arising out of the orders issued to prevent leading mirasidars like Messrs. Pantulu Ayyar and Marudavanam Pillai, from attending the Mirasidars' Conference at Mayavaram on the 30th March —28th March 1924. | Vol. XVIII, pages 18—20 | The motion was by leave withdrawn. |
| (12) Bifurcation of the Kistna district—31st March 1924. | Vol. XVIII, pages 124—129. | Disallowed by the Hon'ble the President. |

(*b*) Occasionally and quite exceptionally, the President has granted leave for the discussion of a motion on a matter of public interest not involving a definite recommendation to the local Government. Of this class of motions

were (1) a motion by Mr. T. A. Ramalinga Chettiyar on the provincial contributions to the Central revenues, 15th October 1921 ; (2) a motion by the same member to thank Mr. Montagu for his public services, 15th March 1922 ; and (3) a motion by Rao Bahadur P. C. Ethirajulu Nayudu regarding the *Swarajya* newspaper's action in impugning the impartiality of the Chair.

A new feature of the first session of the second reformed Council was that the members took advantage of the provisions of standing order 70 to present addresses to His Excellency the Governor. To this category belonged a motion of no-confidence in the Ministry which was discussed on the 27th and 28th November 1923. Notices of three similar motions were subsequently received. One of these was disallowed by the Hon'ble the President and the members concerned did not actually bring the other two before the Council.

(*c*) Several important amendments to the standing orders have been carried out from time to time with the object of (1) relieving the congestion of business, to which end the procedure for ballotting for non-official members' Bills and notices of motions was revised, as stated in paragraph 64 above; and time limits of ten minutes in the case of speeches on resolutions and fifteen minutes in the case of speeches during an adjournment debate (subject to exceptions in favour of the first speech of the mover and of the Government Member answering him) were introduced into standing orders 23 (2) and 57 ; likewise, the provision already mentioned in paragraph 49 supra about sending in notices of budget motions was introduced into standing order 53 ; (2) giving opportunity to a member who has given notice of a question or a resolution to amend the same—standing orders 13 and 55 ; (3) forming a House Committee—standing order 80 ; (4) giving the President discretion to delegate his powers under the standing orders to the Deputy President ; (5) extending the interval necessary between the presentation of the report of a Select Committee on a Bill and its consideration from seven to fiteen days—standing order 44 (1) ; (6) increasing the period of notice required for sending in amendments to Bills from six to ten days—standing order 46 (1) ; and (7) allowing in the case of Bills which are objected to at the final stage, an interval of three days between such objection and the final passing of the Bill—standing order 49 (3).

(*d*) Advantage was taken of section 72-A (2), proviso (*b*) of the Government of India Act to nominate certain experts as additional members of the Council to help in the discussion of important measures in respect of which such assistance was necessary. These were—

(*i*) The Bills described in paragraphs 39 (2) and (3) and 40 (*c*) and (*d*) supra—Two Members of the Board of Revenue were appointed expert members in connexion with these Bills.

(*ii*) The State Aid to Industries Bill described in paragraph 41 (*a*) supra.

(*iii*) The Madras University Bill described in paragraph 41 (*b*) supra.

(*iv*) A Bill to amend the Madras Port Trust Act, 1905, described in paragraph 37 (4) supra.

(*v*) The Hindu Religious Endowments Bill described in paragraph 41 (*c*) supra.

(*vi*) Two Bills to amend the District Municipalities and Local Boards Acts, 1920, described in paragraph 42 (6) and (7) supra.

The gentlemen who took part in the discussion of these measures as experts rendered much valuable assistance in that capacity.

(*vii*) The Tuticorin Port Trust Bill described in paragraph 42 (8).

(*viii*) The Madras Irrigation Bill described in paragraph 38 (*a*).

(*ix*) The Madras Pilferage Prevention Bill described in paragraph 42 (10).

*Paragraph 5 (a). The extent to which the Council represents, and re-acts on, Public opinion.*

66. *Broadly speaking, the Council is composed of two main parties—the non-Brahman, or Ministerial, party, including non-Brahman Hindus, Muhammadans and Christians, and the 'Opposition', which consists almost entirely of Brahmans. This division in the Council reproduces the partition of public opinion in almost every district of the Presidency. It may therefore be said that the Council does represent public opinion and it would also be probably true to say that it does a good deal to create it. There is of course a third party which has no avowed representation in the Council and which must be taken to represent the views of a certain section of the people, and that is the Congress party. At the last elections no non-Brahman candidate stood as the representative of this party and only a few Brahmans openly professed adherence to the Congress creed. The few who persisted in this profession and nevertheless entered the Council, notably Mr. S. Srinivasa Ayyangar, C.I.E., referred to in paragraph 74 below as the first leader of the opposition, subsequently refrained from participating in its proceedings. The rest were content to remain in the Council as moderates; but the actual working of the Council has shown that the difference between the views of the opposition and those avowed by the Congress party has been more imaginary than real; and their attitude towards many political questions, such as the treatment in jail of persons convicted of offences connected with political agitation, the course of the Mappilla rebellion and the causes of its outbreak, the agitation against the payment of taxes in Guntūr and the obstructive policy adopted by certain municipalities in the same district, went to show that for all practical purposes they shared the Congress policy and sentiments. As regards the extent to which the Congress party really does represent, or has represented, public opinion, it is true that at the time of the elections and during the first year of the Council the non-co-operation movement had a very considerable number of adherents, but with the arrest and imprisonment of Gandhi and the subsequent fiascos of the Congress it has lost the greater part of any influence it may have exerted on the public mind.

*Paragraph 5 (b). How far and by what means relations have been maintained between members of the Council and their constituencies.*

67. So far as the Ministerial party is concerned, the relations between the members of the Council and the constituencies have been more or less closely preserved by the organization of a series of non-Brahman conferences. Such

*NOTE.—Paragraphs 66 to 90 (with the exception of the second part of 68 and of paragraph 75-A.) have not been revised and appear as written in July 1923.

conferences have been held in most of the districts of the Presidency and have been attended either by the recognized party leader, Sir P. Tyagaraya Chettiyar, or by one or more of the Ministers. Confederations of the non-Brahman party of the entire Presidency have also been held annually at Madras and have been largely attended by all the important representatives from the mufassal. At these meetings resolutions have been passed appreciating the work done in the Council and focussing the future policy of the party. The Ministers, especially in 1921, and in the earlier months of 1922, when the non-co-operation movement was at its height, toured extensively in the districts and did much to expose the dangers of the movement and to demonstrate the possibility of a whole-hearted working of the Reforms. Other members of the Council belonging to the party in power also visited their constituencies at frequent intervals and addressed them on the work of the Council and on the programme of the Ministerial party.

Individual members of the opposition party have pursued similar tactics, but in their case there has been nothing like the same organization.

*Paragraph 5 (c). The formation of political groups or parties within the Council and how far these coincide with, or traverse, purely communal lines of cleavage.*

68. As mentioned above in paragraph 66 supra, it is to a considerable extent true that political parties in the Madras Presidency are divided according to caste or community and that the political line of cleavage generally coincides with the communal, with a few individual exceptions on either side. It would, however, be a mistake to suppose that the division is purely communal and regardless of political principles. If the two contending parties were to be described in political parlance, and excluding the few individuals who hold extreme views postulating the absolute disconnection of this country with England, they might be called respectively progressives and ultra-radicals. Though the latter may be, to a certain extent, re-actionary where questions of social and religious freedom are concerned, the ultimate goal of both parties is really identical, namely, the attainment of self-government for India on colonial lines. This is in fact the published creed of the South Indian Liberal Federation, the main Presidency organization of the non-Brahman party. But the difference lies in the pace at which this goal is to be attained; and in consequence the methods of the two parties differ widely in practice and give rise to a number of points on which there are acute differences of opinion owing to the difference in the angle of vision.

An important feature of the new Council which commenced work in November 1923 was the presence of Swarajists who had decided to enter the Council on the eve of the last general election. A number of non-Brahman members of the Council also went over to the opposition having broken off from the Ministry and its adherents. The motion of no-confidence in the Ministry [*vide* paragraph 65 (*b*) supra] which created some stir in the Presidency was brought in by one of this section and had the effect of testing the mutual strength of the parties. The opposition now comprises this section of the non-Brahmans, the Swarajists and the Independent Nationalists. The Muhammadans have not as a party definitely identified themsleves with the opposition.

*Paragraph 5 (d). The constitution of what may be broadly called conventions of procedure as between the legislature and the Executive Government or the Governor, e.g., the grounds for the disallowance of resolutions and questions; the appointment of Commissions and Committees and the scope of their inquiries; and within the Councils themselves the institution of a parliamentary practice and tradition.*

69. In laying down the conventions of procedure which lie outside the Act, rules and standing orders, but which rank next after these in value and importance and in regulating the relations between the Council and the Government the lead is naturally taken by the President of the Council, as well as by the Governor, as the head of both the Council and the dyarchic Government. In the speeches addressed by His Excellency the Governor to the Council and in the rulings of the President from the chair a steady, if gradual, approach has been made towards the establishment of such conventions on a lasting basis. To illustrate this aspect of the matter and also to show how far the attempt to engraft parliamentary practice on the Council has been successful, a list of the principal rulings of the President during the last three sessions is included in the appendix. How far the policy of the Government can be made the subject of discussion when voting grants, whether the non-votable items in the budget can be discussed at all by the Council while criticizing the Government policy, whether the Government have an indefesible right of reply after closure has been moved, what documents the Government should place on the table before using them in debates, how far the Council is at liberty to refer to the two halves of the Government in any discussion of the Government policy, these and many other points touching the relations between the Council and the local Government have formed the subject of rulings from the chair. In disallowing questions and resolutions certain conventions are observed by which the Government are enabled to bring to the notice of the President or of the Governor any defects or irregularities in the notices given by the members. How far the Government have a voice in the composition of committees of the House properly so called and how far they have proceeded in the constitution of standing and other advisory committees, composed largely of members of the House, has been already mentioned in paragraphs 18 to 24 supra.

70. The growth within the Council of a body of precedents reproducing as far as possible parliamentary tradition and procedure is a matter which has steadily received attention, as will be evident from the numerous rulings of the President. To bring about a more rapid growth of such traditions, the Government with the concurrence of the Council, sent the Secretary to the Council on a prolonged deputation in 1922 to study parliamentary procedure in the House of Commons and the President himself was on a visit to the House of Commons during part of the period; and since their return much has been done to assimilate the practice of the Council to the best traditions of the British Parliament. The facts that English is the prevailing language of the Council, that practically all speeches during the last three years have been delivered in that language and that a substantial proportion of members are gentlemen who are familiar

by first-hand knowledge with parliamentary institutions in the United Kingdom have helped a good deal to the same end. The Government have during 1922 and 1923 recommended and obtained substantial grants to enable the President to form a good reference library for the use of members and it is evident that the nucleus of a library thus formed is already popular. One of the indications of a parliamentary atmosphere in the Council is the gradual growth of a healthy opposition. The terms 'the opposition benches', 'the leader of the opposition', etc., are in constant use in the Madras Council and are beginning to be well understood.

71. In this connexion it may be worth while to refer to an observation frequently made by official as well as by casual visitors to the Council, that the level of debate in the Madras Council is of a high order, notwithstanding the unfamiliarity to several members of parliamentary institutions and to a few of the English language. Exuberant eloquence is held within the bounds imposed by reason and public convenience by the strict enforcement of time limits, which no one will perhaps regret. On the whole the members may be said to have accustomed themselves gradually to the restrictions required by parliamentary decorum, no less than to the assertion of parliamentary rights and privileges. In particular it is gratifying to note that the number of occasions on which members lapsed into unparliamentary language have been exceedingly few.

*Paragraph 5 (e). The institution, whether on the part of the Government or of parties within the Council, or any form of party organization, the issue of whips, etc.*

72. As has been pointed out in paragraph 66 above, there is a fairly well-defined ministerial party in the Council. Until recently no formal whips were issued. The practice was, before a meeting of the Council, to hold an informal gathering of the members of the party and discuss the agenda of the coming session and the attitude which it was proposed to take towards various questions. In this way concerted action was more or less guaranteed ; but the procedure was found to be not altogether satisfactory, as the conference had to be held at the eleventh hour and hardly gave the Ministers sufficient opportunity to ascertain the opinion of their party, and they were compelled to rely a good deal on chance consultations with individual members between the sessions. At the beginning of 1923 it was therefore decided to elect a small committee of the ministerial party which could be consulted in emergencies when it was impossible to convene a larger gathering. This committee consists of the party leader and the three Ministers *ex officio* and eight elected representatives of the party. It also co-opts two of its members to act as non-official whips. It is somewhat early to express an opinion on the practical working of the system. Owing to the lack hitherto of party organization and of communications between opposing whips, the only means by which any particular business could secure priority over other items of the agenda has been by the fiat of the President or the unanimous wish of the Council. For the rest, the general rule is for the order in which resolutions are proposed to be determined by

ballot. So far as the opposition are concerned, the Government are not in a position to supply details of their organization within the Council; and so far as the Members of Council are concerned, they have contented themselves with informal consultations with the ministerial party on certain Government measures and a certain amount of 'lobbying' with individual members of both parties on important resolutions or questions.

*Paragraph 5 (f). Prominent party leaders, their policies and adherents.*

73. In the ministerial party the most important personalities are the leader, Sir P. Tyagaraya Chettiyar, and the Ministers themselves. Their policy has already been described as the attainment of self-government for India on colonial lines by gradual means and the avoidance of any cataclysmal changes which might retard rather than advance progress. An essential part of their creed has been the development of Indian nationality with the help of, and in close union with, Great Britain, and a whole-hearted working of the Reforms. Their adherents are, generally speaking, the non-Brahman communities all over the Presidency and the non-Brahman members of the Council.

74. When the Council was first formed in January 1921 there was no recognized leader of the opposition. Spontaneously the lead, whenever an expression of the views or the co-operation of the opposition was called for in response to general usage, was taken by Mr. S. Srinivasa Ayyangar, C.I.E., late Advocate-General; and when he cut himself adrift by adopting the principles of non-co-operation, the mantle of leader of the opposition as spontaneously fell on Diwan Bahadur M. Ramachandra Rao, whose position in the pre-Reform Council, combined with his extensive knowledge of English politics, eminently qualified him for leadership. He has since associated with himself other prominent politicians of the Presidency, like Diwan Bahadur L. A. Govindaraghava Ayyar, Rao Bahadur A. S. Krishna Rao, Mr. C. V. Venkataramana Ayyangar, Rao Bahadur C. V. Narasimha Raju and others, who now occupy either the front opposition bench or that immediately behind it. Mr. Narasimha Raju is a non-Brahman by caste, but by his own desire he has ranged himself with the opposition. Certain other non-Brahman politicians like Messrs. T. Sivasankaran and Ranganatha Mudaliyar have taken up a position entirely independent of either party. It will thus be seen that the organization of an opposition is proceeding on lines of its own in the Madras Council, and that those lines are not exactly communal.

## C.—The Constituencies and the Public.

*Paragraph 6 (i). The ascertained percentage of enfranchised persons to the total population, and the percentage of votes recorded in general or bye-elections to the total number of voters on the register.*

75. The following statements give the information required for the elections held in 1920. It has not been possible to give exact figures for the total population comprised in certain special constituencies, groups 50 to 61, but it

may be presumed from the nature of the cases that the populations in those constituencies (*e.g.*, Madras Planters, Madras University graduates, Nagarattars' Association, etc.), are identical with the numbers of voters. On the whole 3 per cent. of the total population (including females and children) possessed a vote for the general elections and 24·9 per cent of the registered voters went to the poll. In the elections to be held this year women also will be entitled to vote :—

| Constituency. | Population. | Number of voters. | Percentage. | Number that polled. | Percentage. | Number of seats. |
|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| *I.—Non-Muhammadan—Urban.* | | | | | | |
| 1. Madras City .. .. | 429,612 | 16,553 | 3·9 | 8,700 | 52 | 4 |
| 2. Madura City .. .. | 121,264 | 6,583 | 5·5 | 3,110 | 48 | 1 |
| 3. Trichinopoly and Srirangam.. | 111,319 | 4,507 | 4·1 | 1,961 | 43·5 | 1 |
| 4. Cocanada City .. .. | 49,232 | 1,287 | 2·1 | .. | .. | 1 |
| 5. Vizagapatam City .. .. | 40,311 | 992 | 2·4 | 717 | 72 | 1 |
| 6. Tinnevelly *cum* Palamcottah | 75,353 | 3,158 | 4·2 | 2,256 | 71 | 1 |
| *Non-Muhammadan—Rural.* | | | | | | |
| 7. Anantapur .. | 865,987 | 23,199 | 2 6 | 10,588 | 45·6 | 2 |
| 8. North Arcot .. .. | 1,901,230 | 58,686 | 3·05 | 7,747 | 13 | 3 |
| 9. South Arcot .. .. | 2,187,370 | 58,970 | 2·7 | 13,782 | 23 | 3 |
| 10. Bellary .. .. .. | 771,439 | 27,676 | 3·5 | 14,087 | 50·09 | 2 |
| 11. Chingleput .. .. | 1,427,071 | 43,426 | 3·4 | 22,872 | 52·6 | 2 |
| 12. Chittoor .. .. .. | 1,197,865 | 39,897 | 3·3 | 11,522 | 29 | 2 |
| 13. Coimbatore .. .. | 2,145,506 | 57,075 | 2·6 | 13.257 | 23 | 3 |
| 14. Cuddapah .. .. | 755,765 | 25,156 | 3·3 | 9,293 | 37 | 2 |
| 15. Ganjam .. .. .. | 1,828,422 | 65,761 | 3·6 | 14,975 | 22·7 | 3 |
| 16. Godavari .. .. | 1,384,081 | 44,281 | 3·2 | 9,950 | 22 | 2 |
| 17. Guntur .. .. .. | 1,525,346 | 83,014 | 5·4 | 9,594 | 11·5 | 3 |
| 18. South Kanara .. .. | 989,254 | 21,139 | 2·1 | 4,360 | 20·6 | 2 |
| 19. Kistna .. .. .. | 1,967,474 | 87,669 | 4·1 | 12,214 | 13·9 | 4 |
| 20. Kurnool .. .. .. | 738,694 | 27,665 | 3·7 | 12,110 | 43·7 | 2 |
| 21. Madaura (district) .. .. | 1,741,595 | 65,489 | 3·7 | 9,956 | 15 | 3 |
| 22. Malabar and Anjengo .. | 2,041,676 | 26,901 | 1·3 | 15,906 | 59 | 2 |
| 23. Nellore .. .. .. | 1,243,875 | 51,795 | 4·1 | 8,688 | 16·7 | 2 |
| 24. Ramnad .. .. .. | 1,520,579 | 46,689 | 3·07 | 12,584 | 26·9 | 2 |
| 25. Salem .. .. .. | 2,049,484 | 59,323 | 2·4 | 9,811 | 16·5 | 2 |
| 26. Tanjore .. .. .. | 2,106,054 | 54,733 | 2·5 | 14,279 | 26 | 3 |
| 27. Tinnevelly district .. | 1,524,632 | 44,110 | 2·9 | 10.614 | 24 | 2 |
| 28. Trichinopoly .. .. | 1,635,861 | 45,445 | 2·8 | 7,286 | 16 | 2 |
| 29. Vizagapatam .. .. | 2,166,247 | 70,628 | 3·2 | 12,846 | 18·2 | 2 |
| 30. The Nilgiris .. .. | 99,577 | 1,291 | 1·2 | 1,059 | 82 | 1 |
| *Muhammaadan—Urban.* | | | | | | |
| 31. Madras City .. .. | 53,163 | 2,839 | 5·3 | .. | .. | 1 |
| 32. Madura and Trichinopoly *cum* Srirangam. | 25,784 | 1,197 | 4 6 | 101 | 8·4 | 1 |

| Constituency. | Population. | Number of voters. | Percentage. | Number that polled. | Percentage. | Number of seats. |
|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| *Muhammadan—Rural.* | | | | | | |
| 33. Northern Circars .. .. | 127,318 | 3,529 | 2·7 | 267 | 7·56 | 1 |
| 34. East Coast .. .. | 284,776 | 6,156 | 2·1 | 211 | 3·4 | 1 |
| 35. Ceded districts .. .. | 401,371 | 6,715 | 1·6 | 1,635 | 24·3 | 1 |
| 36. North Arcot *cum* Chingleput | 151,801 | 4,125 | 2·6 | .. | .. | 1 |
| 37. Central district .. .. | 167,034 | 4,118 | 2·5 | 505 | 12·2 | 1 |
| 38. Tanjore .. .. .. | 130,653 | 4,054 | 3·1 | 835 | 20·5 | 1 |
| 39. Madura *cum* Trichinopoly .. | 142,853 | 3,441 | 2·4 | .. | .. | 1 |
| 40. Ramnad *cum* Tinnevelly .. | 225,217 | 5,426 | 2·4 | .. | .. | 1 |
| 41. Malabar *cum* Anjengo .. | 1,004,546 | 12,055 | 1·2 | .. | .. | 2 |
| 42. South Kanara .. .. | 151,756 | 1,772 | 1·1 | .. | .. | 1 |
| *Christians.* | | | | | | |
| 43. Northern districts .. .. | 383,284 | 3,848 | 1·1 | 1,328 | 34·5 | 1 |
| 44. Central districts .. .. | 254,544 | 3,014 | 1·1 | 1,994 | 65·8 | 1 |
| 45. West Coast .. .. | 218,458 | 2,607 | 1·2 | 1,666 | 63·9 | 1 |
| 46. Tanjore, Trichinopoly *cum* Madura. | 243,780 | 4,386 | 1·8 | 1,726 | 39·3 | 1 |
| 47. Ramnad and Tinnevelly .. | 277,149 | 5,544 | ·2 | 3,018 | 54·5 | 1 |
| 48. European .. .. | 10,788 | 1,489 | 13·8 | 132 | 8·9 | 1 |
| 49. Anglo-Indian .. .. | 23,481 | 1,399 | 5·9 | .. | .. | 1 |
| *Landholders.* | | | | | | |
| 50. Northern Landholders, Group I | .. | 86 | .. | .. | .. | 1 |
| 51. Do. do. II | .. | 66 | .. | 29 | 43·9 | 1 |
| 52. North Central Landholders .. | .. | 95 | .. | 57 | 60 | 1 |
| 53. South do do. .. | .. | 55 | .. | 48 | 72·7 | 1 |
| 54. Southern do. .. | .. | 56 | .. | .. | .. | 1 |
| 55. West Coast do. .. | .. | 200 | .. | 144 | 72 | 1 |
| *University.* | | | | | | |
| 56. Madras University .. | .. | 5,483 | .. | 3,612 | 66·1 | 1 |
| *Planting.* | | | | | | |
| 57. Madras Planters .. .. | .. | 349 | .. | .. | .. | 1 |
| *Commerce and Industry.* | | | | | | |
| 58. Madras Chamber of Commerce | .. | 95 | .. | .. | .. | 2 |
| 59. Do. Trades' Association .. | .. | 26 | .. | .. | .. | 1 |
| 60. South Indian Chamber of Commerce. | .. | 235 | .. | 142 | 60·4 | 1 |
| 61. Nattukkottai Nagarattars' Association. | .. | 619 | .. | .. | .. | 1 |
| Total .. | 40,931,431 | 1,248,156 | 3·05 | .. | .. | 98 |
| Uncontested .. | .. | 33,575 | .. | .. | .. | .. |
| Balance .. | .. | 1,214,581 | 3·05 | 3,03,558 | 24·9 | .. |

*II.—Statement showing the percentages of voters who attended the poll at bye-elections since 1921.*

| Names of members who succeeded at the bye-elections. | Total number of voters. | Number that polled. | Percentage. |
|---|---|---|---|
| Rao Bahadur C. Natesa Mudaliyar .. .. | 16,553 | 4,657 | 28 |
| Mr. M. Appalanarasayya, Nayudu .. .. | 992 | 673 | 68 |
| Mr. K. A. Kandaswami Kandar .. .. | 59,323 | 2,533 | 4 |
| Mr. T. Somasundara Mudaliyar .. .. | 54,733 | 43,247 | 79 |
| Mr. V. Pakkiriswami Pillai .. .. .. | 54,733 | 43,247 | 79 |
| Rao Bahadur V. Appaswami Vandayar .. | 54,733 | 43,247 | 79 |
| Mr. K. Sitarama Reddi .. .. .. | 58,970 | 16,977 | 29 |
| Diwan Bahadur T. N. Sivagnanam Pillai .. | 3,156 | 2,135 | 67 |

75-A. The corresponding statistics for the elections of 1923 are tabulated in the statement below. As in the preceding election, it may be presumed that the population figures in the constituencies Nos. 50 to 61 are identical with the number of voters. On the whole, in the recent elections, 3·13 per cent. of the total population including females and children possessed a vote for the general elections and 36·26 per cent. of the registered voters exercised the right of voting. In the elections in 1923 women were entitled to vote.

| Constituency. | Population. | Number of voters. | Percentage. | Number that polled. | Percentages. | Number of seats. |
|---|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) | (7) |
| *I.—Non-Muhammadan—Urban.* | | | | | | |
| 1. Madras City .. .. | 429,212 | 21,887 | 5·1 | 12,874 | 58·8 | 4 |
| 2. Madura City .. .. | 121,264 | 10,070 | 8·3 | 5,881 | 58 | 1 |
| 3. Trichinopoly and Srirangam .. | 111,319 | 6,635 | 5·9 | 3,861 | 58 | 1 |
| 4. Cocanada City .. .. | 49,232 | 1,423 | 2·89 | .. | .. | 1 |
| 5. Vizagapatam City .. .. | 40.311 | 1,401 | 3·5 | 983 | 70·16 | 1 |
| 6. Tinnevelly *cum* Palamcottah | 75,353 | 3,596 | 4·7 | 2,768 | 77 | 1 |
| *Non-Muhammadan—Rural.* | | | | | | |
| 7. Anantapur .. .. | 865,987 | 23,101 | 2·6 | 9,469 | 44 | 2 |
| 8. North Arcot .. .. | 1,901,230 | 62,002 | 3·26 | 17,229 | 28 | 3 |
| 9. South Arcot .. .. | 2,187,370 | 71,594 | 3·27 | 23,004 | 32 | 3 |
| 10. Bellary .. .. .. | 771,439 | 31,931 | 4 | 14,509 | 46 | 2 |
| 11. Chingleput .. .. | 1,427,071 | 47,839 | 3·4 | 20,103 | 42·4 | 2 |
| 12. Chittoor .. .. .. | 1,197,365 | 45,320 | 3·7 | 19,599 | 43 | 2 |
| 13. Coimbatore .. .. | 2,145,506 | 58,744 | 4·2 | 20,091 | 35 | 3 |
| 14. Cuddapah .. .. | 755,765 | 26,180 | 3·5 | 9,432 | 36·22 | 2 |
| 15. Ganjam .. .. .. | 1,828,422 | 66,015 | 3·6 | 16,857 | 25·53 | 3 |
| 16. Godavari .. .. | 1,384,081 | 45,743 | 3·2 | 20,879 | 45·6 | 2 |
| 17. Guntur .. .. .. | 1,525,346 | 61,237 | 4 | 21,153 | 35 | 3 |
| 18. South Kanara .. .. | 989,254 | 24,507 | 2·47 | 8,605 | 35 | 2 |
| 19. Kistna .. .. .. | 1,967,474 | 86,527 | 4·4 | 31,238 | 36·1 | 4 |
| 20. Kurnool .. .. .. | 738,694 | 28,475 | 3·8 | .. | .. | 2 |
| 21. Madura (district) .. .. | 1,741,595 | 58,223 | 3·3 | 16,229 | 28 | 3 |
| 22. Malabar and Anjengo .. | 2,041,676 | 34,180 | 1·6 | 20,742 | 61 | 2 |
| 23. Nellore .. .. .. | 1,243,875 | 50,623 | 4·06 | 15,390 | 30·4 | 2 |
| 24. Ramnad .. .. .. | 1,520,579 | 50,933 | 3·34 | .. | .. | 2 |
| 25. Salem .. .. .. | 2,049,484 | 53,994 | 2·6 | 13,515 | 25 | 2 |
| 26. Tanjore .. .. .. | 2,106,054 | 61,248 | 2.9 | 20,924 | 34 | 3 |
| 27. Tinnevelly (district) .. | 1,524,632 | 42,303 | 2·7 | 18,772 | 44 | 2 |
| 28. Trichinopoly .. .. | 1,635,861 | 43,133 | 2·6 | 8,061 | 18·6 | 2 |
| 29. Vizagapatam .. .. | 2,166,247 | 67,558 | 3·1 | 15,008 | 22·22 | 2 |
| 30. The Nilgiris .. .. | 99,577 | 1,620 | 1·6 | 1,244 | 76·79 | 1 |

| Constituency. (1) | Population. (2) | Number of voters. (3) | Percentage. (4) | Number that polled. (5) | Percentages. (6) | Number of seats. (7) |
|---|---|---|---|---|---|---|
| *Muhammadan—Urban.* | | | | | | |
| 31. Madras City .. .. | 53,163 | 3,341 | 6·28 | 1,770 | 52·9 | 3 |
| 32. Madura and Trichinopoly *cum* Srirangam. | 25,784 | 1,804 | 7 | 1,293 | 71·6 | 1 |
| *Muhammadan—Rural.* | | | | | | |
| 33. Northern Circars .. .. | 127,318 | 3,627 | 2·8 | 1,970 | 54·3 | 1 |
| 34. East Coast .. .. | 284,776 | 5,006 | 1·75 | .. | .. | 1 |
| 35. Ceded districts .. .. | 401,371 | 6,885 | 1·7 | 3,739 | 54 | 1 |
| 36. North Arcot *cum* Chingleput.. | 151,801 | 4,217 | 2·7 | 2,086 | 49·4 | 1 |
| 37. Central districts .. .. | 167,034 | 4,623 | 2·7 | 2,649 | 57 | 1 |
| 38. Tanjore .. .. .. | 130,653 | 4,896 | 3·7 | .. | .. | 1 |
| 39. Madura *cum* Trichinopoly .. | 142,853 | 3,635 | 2·5 | 1,989 | 55 | 1 |
| 40. Ramnad *cum* Tinnevelly .. | 225,217 | 5,379 | 2·3 | .. | .. | 1 |
| 41. Malabar *cum* Anjengo .. | 1,004,546 | 13,909 | 1·38 | 7,051 | 51 | 2 |
| 42. South Kanara .. .. | 151,756 | 2,139 | 1·4 | .. | .. | 1 |
| *Christians.* | | | | | | |
| 43. Northern Circars .. .. | 383,284 | 3,496 | ·9 | 1,776 | 50·9 | 1 |
| 44. Central districts .. .. | 254,544 | 3,833 | 1·5 | 2,373 | 61·9 | 1 |
| 45. West Coast .. .. | 218,458 | 3,395 | 1·5 | 2,288 | 67 | 1 |
| 46. Tanjore, Trichinopoly *cum* Madura. | 243,780 | 4,849 | 1·95 | .. | .. | 1 |
| 47. Ramnad and Tinnevelly .. | 277,149 | 6,341 | 2·28 | 3,678 | 58 | 1 |
| 48. European.. .. .. | 10,788 | 2,327 | 21·5 | .. | .. | 1 |
| 49. Anglo-Indian .. .. | 23,481 | 2,409 | 10·25 | .. | .. | 1 |
| *Landholders.* | | | | | | |
| 50. Northern Landholders, Group I. | .. | 47 | .. | 28 | 59·56 | 1 |
| 51. Do. do. II. | .. | 76 | .. | .. | .. | 1 |
| 52. North Central Landholders .. | .. | 78 | .. | 64 | 82 | 1 |
| 53. South Do. do. .. | .. | 53 | .. | 42 | 79 | 1 |
| 54. Southern Landholders .. | .. | 58 | .. | .. | .. | 1 |
| 55. West Coast Landholders .. | .. | 239 | .. | 167 | 69·8 | 1 |
| *University.* | | | | | | |
| 56. Madras University .. | .. | 7,840 | .. | 4,386 | 55·8 | 1 |
| *Planting.* | | | | | | |
| Madras Planters .. .. | .. | 454 | .. | .. | .. | 1 |
| *Commerce and Industry.* | | | | | | |
| 58. Madras Chamber of Commerce | .. | 53 | .. | .. | .. | 2 |
| 59. Madras Trades' Association .. | .. | 23 | .. | .. | .. | 1 |
| 60. South Indian Chamber of Commerce. | .. | 234 | .. | 214 | 91·4 | 1 |
| 61. Nattukkottai Nagarattars' Association. | .. | 615 | .. | .. | .. | 1 |
| Total .. | 40,931,431 | 1,283,923 | 3·13 | 425,983 | .. | 98 |
| Uncontested .. | .. | 109,115 | .. | .. | .. | .. |
| Balance .. | .. | 1,174,808 | .. | 425,983 | 36·26 | .. |

*II.—Statement showing the percentages of voters who attended the poll at bye-election.*

| Name of member who succeeded at the bye-election. | Total number of voters. | Number that polled. | Percentage. |
|---|---|---|---|
| Sriman Sasi Bushan Rath Mahasayo .. .. | 66,015 | 10,765 | 16·30 |

*Paragraph 6 (ii). The interest evinced by the constituencies and the public in the work of the Council.*

76. That the work of the Council has created considerable public interest and appreciation is evident both from the amount of space devoted to its doings by the press and also from the number of visitors in the Council galleries during debates. During the passage of the University Bill the galleries were crowded and the papers were full of articles supporting, criticizing or opposing the various provisions of the Bill. The State Aid to Industries Bill received universal support and the Religious Endowments Bill excited perhaps even greater public interest than either of the first two measures. The same interest was displayed when particularly important resolutions were discussed, like the resolution for enfranchising women, and more especially during the debates on motions for the adjournment of the House; and the budget debates were always closely followed by the public both in Madras and in the constituencies. In fact the constituencies have generally been keenly alive to what is going on in the Council and meetings to support or oppose various decisions of the legislative body were by no means uncommon in many districts.

*Paragraph 6 (iii). The extent to which political groups or parties in the Council are reproduced in, or derived from, the constituencies.*

77. This subject has already been dealt with in paragraphs 72 to 74 above, but mention must be made of an attempt made in the early part of 1921 to form what was known as an independent party. This party was intended to be composed of both Brahmans and non-Brahmans in opposition to the Ministerial party. It had no living relation to any real body of opinion outside the Council and died a natural death within a few months. More recently, there has been an attempt on the part of certain individuals to secede from the Ministerial party; but these persons have made no effort to form a separate party of their own, nor can they be said to reflect the opinion of the electors or of any section of them. It remains to be seen whether the secession will ripen into a definite opposition, even of the 'cross-bench' variety.

*Paragraph 6 (iv). Electoral organization in the constituencies, political programmes, parties and party funds and machinery.*

78. The chief electoral organization in the constituencies consists of branches of the South Indian Liberal Federation at various centres, by the aid of which, assisted perhaps to an equal degree by individual effort, members of the Ministerial party were returned at the last elections and by which means they hope to retain their seats at the next election. The political programme of the non-Brahman party was put forward at the last elections at a confederation held at the time and its main items were an amelioration in the condition

of all non-Brahman classes, the spreading of primary education, the provision of equal opportunity to all castes for education and for entry into Government service, the attainment of a more equal representation of the different communities in the public services, an improvement in the control over religious endowments, the amelioration of the agricultural condition of the Presidency and the development of industries.

79. A definite programme has just been issued for the coming elections. No rival programme has yet been published and so far as the regular opposition is concerned, very little organization of any kind among its rank and file is apparent; nor is the stir now being made by Mr. C. R. Das in this Province likely to eventuate in any radical or extremist programme for the coming elections. The Ministerial party has no party fund and no attempt has so far been made to organize one. So far as can be ascertained the same is the case with regard to the opposition. The Machinery by which the non-Brahman party works is, as mentioned before, the South Indian Liberal Federation with headquarters at Madras and branches in different parts of the Presidency.

*Paragraph 6 (v). The influence of the press on politics and public opinion.*

80. The influence of the press on politics is not so great as might be expected, chiefly because the various organs seem unable to take more than one point of view and make little or no impression on rival organs or on rival parties. The Ministerial view is expressed by the English daily, *Justice*, and two vernacular papers. *New India* may be held to represent the moderate party, while the *Hindu* is a professed Congress organ and its leanings square with those of the opposition in the Council to a far greater extent than is openly admitted. The *Madras Mail* and the *Daily Express* may be considered independent papers, so far as the two Indian parties in the Council are concerned, and the former especially seeks to express the European point of view. They both have some influence on both sides of the House, except when they advocate either anti-Indian or too obviously European points of view.

The number of newspapers has increased considerably since the repeal of the Press Act, but the majority of the new additions to the strength of the press possess little or no influence on public opinion and have a very limited circulation. The *Swarajya*, a recent daily paper, and a professed organ of non-co-operation, has however, a considerable circulation; so have certain vernacular papers, which equally profess the non-co-operation creed.

D.—Political agitation and Parties outside the Reform Scheme.

*Paragraph 7. Non-co-operation and Khilafat.*

81. The activities of the non-co-operation and Khilafat parties certainly constituted a grave embarrassment to the working of the Council, especially in 1921 and the early part of 1922. These activities were of course mainly outside the Council but they led to a considerable loss of public revenue and also to a very serious disregard for constituted authority and naturally called for strong action on the part of the Government; and, as has been suggested in paragraph 66 above, the opposition party in the Council, though openly disavowing the non-co-operation creed, were certainly affected to a considerable extent by its sentiments. The fact that the supporters of the movement

actually decided at the last elections to boycott the Council probably had very little effect on the course of the elections themselves. Few of them were likely to have gained seats in the Council had they stood for election; the majority of the political leaders of the Presidency dissociated themselves from the movement from the outset and the number of those in professed sympathy with the movement and who found seats in the Council was too small to influence its decisions to any great extent. It was rather the general effect of the movement on the political atmosphere and on the financial situation that created the difficulties referred to above—and the situation certainly was a difficult one for any popularly elected assembly to face, much more for a nascent assembly like the reformed Legislative Council.

82. In the early part of 1921 the energies of the malcontents were directed chiefly to the fomenting of labour troubles, in which they achieved considerable success. The unrest then aroused developed along unlooked for lines and culminated in intercommunal riots, attended with arson and loss of life and spread over several months, in Madras City. The most important event of the year, however, was the Mappilla rebellion, which was due directly to Khilafat and non-co-operation preaching, and was not suppressed till well on into 1922. In other parts of the Presidency there were manifestations of lawlessness, less serious than this, but sufficiently serious in themselves; riots leading to bloodshed at Kumbakonam in the Tanjore district, at Karur in the Trichinopoly district and at Pentapad in the Kistna district, besides minor disturbances of the peace in many other localities, following on attempts to interfere with the liberties of the people or to overawe the authorities. At the beginning of 1922 there was the unseemly display of hooliganism in Madras at the time of the visit of His Royal Highness the Prince of Wales, and the no-tax campaign in Guntūr and to a lesser extent in Gōdavari. In regard to the riots in Madras there was some difference of opinion; but in dealing with the other disturbances and demonstrations against authority, the Government received a great measure of support from the Council and found themselves able to rely on the Ministerial party. Throughout the Malabar rebellion there was a gratifying disinclination to embarrass the Government, for which credit must be largely ascribed to the influence of Sir P. Tyagaraya Chettiyar and the Ministers. Early in the life of the Council, when the District Magistrate of Malabar, with the approval of the Government, found it necessary in February 1921 to restrain the agitator Yaqub Hasan, leave was obtained to move the adjournment of the Council to discuss his action, but in the course of discussion it became clear that the balance of opinion was opposed to any censure. Again, when in December 1921 leave was sought for an adjournment to discuss the application to the Presidency of Part II of the Criminal Law Amendment Act, 1908, the mover was unable to obtain any support. Later a resolution recommending that a committee should be appointed to examine the records of cases in which non-co-operators had been convicted was defeated after strong speeches had been made in opposition to it on the ministerial side; and a similar fate would no doubt have befallen a resolution recommending special treatment of non-co-operation prisoners in jails if the discussion had not been put an end to by a motion that the Council should pass on to the next item of business There has latterly perhaps been a tendency to grasp at the idea

that the non-co-operation movement is dead and that precautions against further disturbances may be relaxed. It is probable however that this is due more to a desire for retrenchment than to any real wish to weaken the position of the Government; and though dissatisfaction has been expressed at the size of the police budget, the Council, led again by Sir P. Tyagaraya Chettiyar, has accepted the demands of the executive, including a provision for the initiation of a small but highly disciplined striking force on the East Coast.

83. The latest attitude adopted by the Congress towards the question of entering the Council has naturally set afloat a good deal of speculation and it would be rash to indulge in any dogmatic expression of opinion as to the issue. A loudly vocal element in the Congress party in this Presidency is in favour of capturing the Council, but the Congress itself has shifted its position so often and its influence on the public mind has so steadily decreased in consequence, that in well-informed circles it is generally believed that the personnel of the Council will not suffer material change at the coming elections.

*Paragraph 7*—continued. *Activities of the non-co-operators on local bodies.*

84. On 3rd October 1920 (two days after the coming into force of the Madras District Municipalities Act, 1920) six out of the twelve councillors of the Narasaraopet municipality resigned their seats on the Council on account of the non-co-operation movement. No special action was considered necessary, as the resignations were not likely to cause any inconvenience to the administration of the municipality. The Collector of Guntūr and the chairman of the municipal council were, however, asked to make arrangements for reconstituting the municipal council under section 366 (*a*) of the District Municipalities Act, 1920, at the earliest possible date: and this was accordingly done.

85. In Repalle, which was constituted a municipality from 1st September 1920, with a strength of twelve councillors nominated by the Government, eight councillors sent in January 1921 a requisition to the *ex-officio* chairman to consider the following matters:—

(1) the abolition of the municipality;

(2) the suspension of the collection of municipal taxes pending the receipt of orders on the memorials submitted to His Excellency for the abolition of the municipality.

The requisition of the eight councillors was mainly due to the influence of non-co-operators from outside, especially from Guntūr and Tenali. The chairman did not convene the meeting asked for. The cart drivers and jutkawallahs were made to strike and people refused to receive tax notices. The chairman suggested that all the municipal councillors might be removed from office and fresh councillors appointed. This suggestion was not feasible, any more than the abolition of the municipality. The Government wished to watch the effect of municipal administration and of the proposed location of a District Munsif's Court at Repalle. They ordered, however, that no municipal tax should be levied on lands used solely for agricultural purposes, and that from cattle should be exempt from tolls and taxes. The Hon'ble the Minister for Local Self-Government visited the place in September 1921, and

found that it remained rural in character with no indication of early development into a town ; and as the location of a District Munsif's Court had not materialized, the abolition of the municipality was decided on.

86. In Chirala, which was constituted a municipality in November 1919, there was no trouble till September 1920, when the town received the attentions of the non-co-operators who took advantage of the natural reluctance of the people to pay additional taxes and led an organised agitation against the continuance of the municipality. Ten out of the twelve councillors resigned and the municipal administration was brought to a standstill. The Hon'ble the Minister for local self-Government visited the place, and after discussing the situation with the leading residents offered to exempt agricultural cattle and land from municipal taxation, but, presumably under the influence of the agitators, the offer was rejected. After a careful examination of the situation, the Hon'ble the Minister came to the conclusion that the agitation for the abolition was bolstered up by a few political agitators backed by the merchants and money-lenders and that the town should, in the interests of public health, continue to be a municipality. The Government therefore superseded the council for a period of one year from 1st April 1921 and appointed a paid officer to discharge the duties of the council and its chairman. A resolution moved in the Legislative Council in November 1921 by M. R. Ry. C. V. Venkataramana Ayyangar Avargal, recommending the abolition of the Chirala municipality was lost. On the expiry of the period of supersession the municipal council was reconsituted under section 41 (4) of the District Municipalities Act.

87. So far as regards non-co-operation in particular places. As regards the effect of the movement on local bodies in general, it has been ascertained that out of an approximate total of 4,048 elected members throughout the Presidency, 358, or less than 9 per cent., are professed non-co-operators, of whom 35 were members elected within the last six months. These figures indicate that any attempts on the part of non co-operators to capture he elected seats on local bodies have been in the majority of cases unsuccessful.

88. The activities of the non-co-operators on local bodies were mainly confined to (1) getting resolutions passed on subjects such as the prohibition of liquor, picketing, applauding the services of those who went to jail on account of non-co-operation, changing the old names of streets and re-naming them after Tilak and Gandhi, (2) voting and presenting addresses of welcome to such prominent leaders of the movement as Gandhi and the Ali brothers and to the members of the Civil Disobedience Committee, and (3) presenting oil paintings of prominent non-co-operators to the councils. Rajahmundry, Guntūr and Salem were among the important municipal councils by which such resolutions were endorsed. In Salem it may be mentioned that the municipal council passed resolutions sanctioning the picketing of liquor shops and weaving of *khaddar* cloth. This council in addition sanctioned an advance of Rs. 1,000 to the president of the Municipal Employees Co-operative Society for the purchase and supply of *khaddar* cloth to the municipal establishment during the Dipavali festival. The same municipal council also passed resolutions suggesting that students and teachers in municipal schools and at the college as well as the municipal councillors should wear *khaddar*. The resolutions were, however, cancelled by Government.

Resolutions voting addresses to Gandhi and others were passed by several local bodies, *e.g.*, the municipal councils of Adoni, Hospet, Bellary, Trichinopoly, Srirangam, Vellore, Tadpatri, the union board of Devakotta and the taluk board of Erode. The Government refused to sanction any expenditure from the funds of local bodies on this account. In cases where local bodies did not approach Government for sanction for such expenditure, no action was considered necessary. In order, however, that any resolution of a local body which signified non-co-operation or was politically objectionable might be known to Government, Collectors and presidents of district boards were requested in Memoranda no. 14103—1, L. and M., dated 12th July 1921, and no. 14103-2, L. and M., dated 12th July 1921, to watch the resolutions passed by local bodies, through the copies of the proceedings submitted under rule 10 of schedule III of the Madras District Municipalities Act, 1920, and rule 10 (2) (*a*) of schedule II of the Madras Local Boards Act, 1920, and to bring those that were objectionable at once to the notice of Government.

89. As attempts were made by some local bodies to introduce national education of the type approved by non-co-operators, the Government issued orders to the effect that the funds of local bodies should not be applied to the maintenance or in aid of educational institutions which were not recognized or approved by the Government, by the district education council, or by some other authority duly authorized by the Government in this behalf.

90. In order to eliminate from local bodies extreme non-co-operators who were not prepared publicly to declare their allegiance to the Crown, Act II of 1922 requiring every member of a local body to make an oath or affirmation of allegiance to the Crown was brought into force on 21st February 1922. Under sections 3 and 5 of this Act every person who was a member of a local body on that date had to make an oath or affirmation before 21st May 1922 at a meeting of the local body. Members who failed to make the oath before that date have automatically vacated their seats; but the great majority of these have asked to be reinstated, alleging illness or absence from the station as the reason why they did not make the oath or affirmation on the prescribed date. The number of those who abstained from motives of disloyalty is believed to be exceedingly small.

# APPENDIX.

## RULINGS OF THE HON'BLE THE PRESIDENT (*vide* paragraph 69 *supra* of the letter).

### (*Volume I—January to April 1921.*)

[The references are to pages of the Council Proceedings.]


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## APPENDIX II.

The following suggestions are made for the removal of certain difficulties which have been experienced in the working of the Government of India Act and the rules framed thereunder:—

### A.—The Government of India Act.

(1) *Rules under section 31-A of the Government of India Act—Local Government (Borrowing Rules).*—The rules do not make specific provision for loans being raised for industrial and quasi-commercial undertakings of Government. These undertakings are, in their nature, or are intended to be, remunerative. The accounts are maintained on a capital basis but in the absence of provision for such loans in the rules, loans to finance them have been considered to fall under rule 2 (*a*), and the decision of the Auditor-General that the amount of loans under that rule should be not less than Rs. 5,00,000, has in practice precluded Government from applying loan money to these enterprises, since so large a sum of Rs. 5 lakhs has never been needed to promote them. A specific provision seems necessary for loans of this class and as in the case of (*b*), (*c*), (*d*) and (*e*) no financial limit should be imposed.

(2) *Section 52 of the Government of India Act—Appointment of Ministers and Council Secretaries.*—On the dissolution of the Legislative Council the question whether Ministers and Council Secretaries would continue to hold office has not been specifically provided for. The convention that has been set up in this Province is that they should tender their resignation not immediately after the dissolution of the Council but directly after the next election. This Government are of opinion that there is need for express provision in the Act in this behalf.

(3) *Section 72-B of the Government of India Act.*—This section empowers the Governor to appoint such times and places for holding the sessions of the Legislative Council as he thinks fit. The question has been raised whether the Governor has power to postpone a meeting from a date once fixed to another date. It is considered desirable to confer the power expressly. If this suggestion is accepted the words ' to alter such times and places or ' may be inserted between ' otherwise,' and ' prorogue ' in section 72-B (2).

(4) *Section 80-B of the Government of India Act.*—In the proviso to this section it is stated that a Minister shall not be deemed to be an *official* and a person shall not be deemed to accept office on appointment as a minister. Doubt has arisen as to whether the Deputy President and the Council Secretaries should be considered as having accepted offices in the service of the Crown. It is suggested that their cases may be included in the proviso to this section.

(5) *Section 80-C of the Government of India Act.*—This section says : " It shall not be lawful for any member of any local Legislative Council to introduce, without the previous sanction of the Governor, any measure affecting the public revenues of a province." The question has arisen in this province whether after leave for the introduction of a Bill had been obtained, if the Council is dissolved, a member can move in the next Council the same Bill without obtaining fresh sanction for the introduction of the Bill ; in other words

whether the sanction of the Governor once obtained always adheres to it. This Government are of opinion that it is desirable to make it clear by express provision that permission once given for the introduction of a Bill should be considered as limited to the particular member to whom it was granted and to the particular Council which was sitting when it was granted. They would also place a time limit, say six months from the date of the grant of the sanction for the introduction of the Bill in respect of which the leave was obtained.

(6) *Section 81-A of the Government of India Act—Return and reservation of Bills.*—Under this section the Governor has power instead of declaring his assent to, or dissent from, a Bill, to return it to the Council for a reconsideration either in whole or in part together with any amendments which he may recommend. A question has been raised as to whether the Governor has power under the section to return a Bill passed by one Legislative Council to another legislative Council newly formed. It was urged that a Bill which had failed to obtain the assent of the Governor before the Council's dissolution must be regarded as dead, and that to return to a new Council for reconsideration in whole, or in part, a Bill which had been passed by a previous Council constituted an anomaly which should be removed.

Another question which has been raised in the same connection is whether, in reconsidering the whole or part of the Bill returned by the Governor, it is not open to the Council to reject the amendment suggested by the Governor and to pass other amendments. This question also is not free from difficulty and deserves to be set at rest by legislation.

(7) *Section 84 of the Government of India Act.*—The section provides that the validity of certain laws should not be called into question on account of the grounds mentioned therein. But these are not exhaustive. A contention urged in connexion with the controversy over the Hindu Religious Endowment Bill was that, if the return of the Bill to a second Council was *ultra vires* of the powers of His Excellency the Governor under section 81-A, the validity of the enactment after it is passed into law will be open to question in courts of law. It is desirable to place the validity of Acts beyond dispute in cases such as these. The question of extending the beneficent operation of section 84 to all cases of technical flaws *Ejusdem generis* with those mentioned in sub-sections (1) and (2) may be considered.

## B.—General.

(8) *Contempt of election court and the President of the Legislative Council.*—Comments were made in a newspaper in connection with an *inquiry* held by Election Commissioners when the case was *sub-judice*. The Election Commissioners issued a notice to the Editor, who refused to appear, and, as the Commissioners doubted whether they had jurisdiction to commit him for contempt, no further action was taken. It appears very desirable that such courts (Act XXXIX of 1920) should be constituted into courts of record vested with powers for committing for contempt of court by direct legislation.

A Madras newspaper published an article in one of its issues questioning the impartiality of the President of the Legislative Council. A resolution expressing disapproval of the House was moved, but after discussion, was

withdrawn. It was agreed on all hands that legislatures in India had no 'privileges' or power to commit for contempt, similar to those of the House of Commons. The Madras Government are inclined to think that, as the President is not now protected from scurrilous attacks in newspapers, it is desirable that express provision should be made by statute to enable cognizance to be taken of such matters, if not by the Council itself, then at least by a suitable tribunal—perhaps the High Court—acting upon a resolution duly passed by the House.

### C.—Legislative Council Rules.

(9) The legislative Council Rules refer only to three kinds of expression of opinion on the part of the Legislative Council, namely :—(1) resolutions which are recommendations to the Government on matters of general public interest, (2) motions for adjournment of the House for the purpose of discussing a definite matter of urgent public importance and (3) motions for the reduction or omission of budget grants. The rules do not provide for cases such as that in which a member desires to move a motion of 'No-confidence' on the Ministry, or for formal or ceremonial motions such as a vote of condolence on the death of a member or motions connected with the House itself. It is suggested that the rules should be amplified so as to provide for the above.

(10) *Rules 7 to 10* relate to the putting of questions in the Legislative Council. Under rule 8 a question may be asked for the purpose of obtaining information on a matter of public concern and under rule 10 any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given. On account of the large number of questions that have been asked in the Council and the impossibility of answering them all during the Council sittings, it has been suggested that the system of starred questions may be usefully introduced. Under this system a member would be at liberty to star certain questions indicating his desire to obtain oral answers in respect of them and where he does so only those questions would be answered in open Council, the answers to other questions being merely printed and laid on the table. In that case, supplementary questions would be permitted only as regards the starred questions and not in respect of others. If this suggestion is accepted rule 10 may be amended so as to restrict the right of putting supplementary questions to starred questions only and to limit the number of starred questions which a member can put at one sitting.

(11) *Rules 18 to 20.*—After the grant of leave to a non-official member to introduce a Bill under rule 19, there is no specific provision for publication of the Bill although such publication is essential for introduction under Standing Order no. 38.

Rule 20, it is considered, may be amended by substituting the words 'leave to introduce a Bill has been granted by the Council' for the words 'a Bill has been introduced.' The expression 'if the Bill is afterwards introduced' in the last sentence of rule 18 may be omitted and the words 'before introduction' may be added at the end of rule 18.

## APPENDIX III.

### MEMORANDUM ON REFORMS.

The main features of the present transitional constitution outlined in the Act are—(1) That so far as transferred subjects are concerned, the Ministers responsible to a majority of the Legislative Council are appointed by the Governor of the Province, and they hold office during his pleasure. (2) With regard to reserved departments the Members of Council are appointed by the Crown through the Secretary of State; while they may pay the utmost regard to the opinions of the Legislative Council, and no doubt in many instances carry out the policy laid down by the Legislature, they are controlled by the Government of India and by the Secretary of State even more than the will of the Legislative Council. Where this real distinction between the two halves has not been emphasised as indicated in the Instrument of Instructions to the Governors of provinces, where both halves have so conducted themselves that neither half has come into violent conflict either with the policy of the Government of India or with the will of the Legislatures, the difficulties have been minimised and so far as this Province is concerned, experience has been one of mutual co-operation and adjustment by joint consultation and close touch between the Members and the Ministers. The Reforms were begun under very trying circumstances. Nevertheless, they have been worked with great success. The diarchical system has had the best trial in this Presidency (*vide* paragraph 10 of Mr. Lloyd's demi-official no. 83/8, dated 16th July 1923, of this Government in reply to Mr. Crerar's demi-official letter no. 917, dated 23rd April 1923, which describes the position).

2. Notwithstanding this, serious difficulties have been experienced in working the diarchical system. To begin with, the Legislative Council and the Ministers are placed in a very anomalous position. The system has not led to the development of responsible criticism and has had occasionally the opposite effect. Therefore a real training necessary for responsible Government is at a discount. The Opposition in the Council must discharge the important function of subjecting all governmental measures to effective criticism of forcing the pace of progress and putting forward an alternative basis of reform which would be carried out when it came into power. The criticism must therefore be responsible so that it might at any time be called upon to carry out the policy advocated by it. An Opposition thus organized is bound to put forward practical proposals by which it would stand to carry on when necessary. In regard to the reserved half, the Opposition is futile. The criticism can only consist in giving advice and making recommendations. Government may be defeated but Executive Councillors need not concern themselves over the defeat nor need the recommendations be given effect to. The sense of powerlessness over the reserved subjects leads to a sense of irritation and despair. Demands are made in an extreme measure and the consequences of carrying out the recommendations of the Legislative Council are not valued as much as they should be. In Madras, if the Legislature did not moke extreme or ludicrous demands on the reserved departments, it is atribute to the commonsense of the Members of the Council. There have been, however, instances where the Opposition bitterly expressed its impotence and severely criticised the policy of Government and would have paralysed the Government but for the existence of the

Ministerial party and the spirit of co-operation prevailing among the members. But the sense of impotence gives rise to grave political suspicion in regard to Government on the part of the Legislative Council and has a disastrous effect on the administration of the transferred subjects. The growth of responsibility in the Legislative Council is weakened by the division into reserved and transferred subjects.

3. It has become increasingly difficult to continue the unity of Government as the Legislative Council now feels disappointed that co-operation with the Government in the sound administration of the country has not yet resulted in any progressive measures of responsibility. It has become impossible to get any financial or taxation measure through the Council, for the Council urges that it will not agree to any proposal relating to direct or indirect taxation as it has no power over the reserved departments on which the revenues may be utilized. The question of raising revenue requiring the sanction of the Legislative Council has therefore become impossible. Recent events in the Legislative Council indicate the strong determination of all parties in the Council to stand by their rights and to obtain an effective voice in the administration of the reserved subjects. The position of the Ministers in this struggle has become very serious. Are the Ministers, whoever they may be, to vote with the reserved half, or are they to carry out the will of the majority of the House ? If they vote with the reserved half in matters relating to reserved subjects while the majority as a whole feels strongly the other way, they must be prepared to resign as without a party and without the confidence of the majority in the House they should not exist. On the other hand, if the Ministers are to vote against the reserved subjects, administration of reserved subjects becomes very difficult if not impracticable and deadlocks will result. The Ministerial party so far co-operated in the belief that such co-operation will secure greater devolution of powers for the realization of full responsible Government. But finding no sincere attempt is made at further devolution of powers over reserved subjects, there has come a change in the angle of vision. No Ministry will be able to continue under the circumstances and any Ministry will be quite helpless to carry on the administration.

4. No one will doubt the loyalty of the officials in carrying out the policy of Government. It is due to the high sense of duty which the superior officials of this Province have, that the Reforms were so far successful here, but there are symptoms of indifference to the transferred subjects on the part of the services generally working in the reserved departments.

5. One of the serious anomalies in the scheme of Reforms is that the Governor of the Province is made more absolute in the administration of transferred subjects than in the reserved subjects though the Joint Report and the Committee on Functions intended otherwise. Under the provisions of section 52, the Governor is held to be in charge of the departments of administration transferred to the Ministers. Ministers are appointed by him in relation to transferred subjects to hold office during his pleasure and when he sees sufficient cause to dissent from the opinion of the Ministers he can over-rule them and ask action to be taken otherwise than in accordance with their advice. If the Minister disagrees with the Governor he should resign. He may even be

dismissed by the Governor if he refused to accept the Governor's opinion. And yet it is expected that the Minister is responsible to the Legislative Council to carry out its policy. In the case of the Executive Council, if any difference arises on any question brought before a meeting of the Executive Council, the Governor shall be bound by the opinion and the decision of the majority of those present, except in relation to measures affecting the safety and tranquility of the Province or any part thereof, in which case, a residual power is vested in him to over-rule the majority on his own responsibility, with minutes of dissent mutually exchanged and recorded. He can do nothing which he would not lawfully have done with the concurrence of his Council. The difficulty created by section 52 is to place the Ministers completely under the power of the Governor. There is no room for development of joint and corporate responsibility under the circumstances. The Act ought to provide for the independence of the Ministers, that the Governor acting with the Ministers should decide any question by a majority. The Legislative Council and the country expect the Ministers to work out plans of progress regarding which recommendations may be made by the Legislative Council. Thus they occupy a position of responsibility without the power of freedom of action.

6. Again, the Act and the Rules vest powers in the Governor to make Rules of Business under section 49 and the Business Rules that were framed in Madras give power to the Secretaries and the heads of departments to take cases direct to the Governor who may over-rule the Minister on the representation of the head of the department or of the Secretary. The Minister is thus left with no authority or power to carry on the administration of the transferred departments according to the recommendations of the Council. The Business Rules devolve extraordinary powers on the departmental heads and the Secretaries, that the Minister's position can be easily made very inconvenient. Practical difficulties were experienced when the Governor assumed the absolute power of making appointments. There were occasions when there were serious disagreement between the Governor and the Ministers. In some cases matters reached a crisis which was averted by compromise. It is no doubt due to the statesmanship of Lord Willingdon that such situations were saved. It was essentially a matter of personal equation, but on principle it was found very hard to carry on the administration of transferred subjects with the power which the Governor possessed under the Business Rules.

7. The Finance Department deals with the finances of both reserved and transferred subjects. Finance is a reserved subject in charge of a Member of the Council. Devolution Rules 36 to 38 deal with the subject. In England, under the constitution and conventions, the Chancellor of the Exchequer controls the finances of the Government, all members of which individually and as Government Members are responsible to the House of Commons. The unity of Government is complete. The Chancellor of the Exchequer or the Prime Minister is equally responsible for the financial administration of the State. Each Minister of Government is as much interested in seeing that his departments received proper share of revenue as the other departments under his colleagues. In England, the Chancellor of the Exchequer deals with questions of pure finance and international finance. In the provinces, under the Act, the function of the Finance Department is to watch the expenditure as provided

for in the budget estimates. There are no questions of pure finance. Under the present system, responsibility of reserved half is different from that of the transferred half. The Ministers are bound to carry the Council and the country with them. The provision for a particular scheme that was not or could not be made in the budget, may involve the defeat of the Minister. The Governor of the Province may allocate the available revenues and in case of difference of opinion may appoint an arbitrator. Neither the Governor nor the Finance Member is independent of the Executive Council inasmuch as the responsibility of the Executive Council is joint. During the discussion of administrative problems the Finance Member has to give his advice to the Joint Government and consequently it is impossible to divest himself of the position as a member of the Executive Council in dealing with the matter in the Finance Department. The Members of the Executive Council have to stand by each other against the Opposition in the Legislative Council. The system has not encouraged the development of financial responsibility in the Ministry or in the Legislative Council. On a note to the Committee on Division of Functions, the Government of India said : " The function of the Finance Department is not an over-ruling power. It is not a body that either dictates or vetoes a policy. It watches and advises on the financial provisions which are needed to give effect to a policy. It can challenge the necessity for spending so much money to secure a given object. But in the last resort administrative considerations must prevail. If there is a dispute regarding expenditure on a transferred subject, the Finance Member may expostulate, but the Minister may over-rule it and its objections, taking full responsibility for doing so. In England, he would in theory have to get the Cabinet to endorse his view in such a case. In an Indian province, he would need only the concurrence of the Governor. As practice crystallizes and grows familiar, Ministers will find friendly and valuable help from the Finance Department in developing their schemes of expenditure on sound and economic lines." The position of the Finance Department in the Provincial Government is described by the Committee in its Report in paragraphs 24 to 27. The Finance Department will be a reserved department and will not be transferred to the control of a Minister. In relation to the transferred departments, however, the functions of the Finance Department will be to advise and criticise, and the final decision will rest with the Minister, subject to the assent of the Governor which would only be refused ' when the consequence of acquiescence would clearly be serious ' (paragraph 219 of the Joint Report). It is also explained that the duty of the Finance Department in discussing the general propriety of a proposal should be limited to the financial point of view. Thus it will be seen that the relations between the Ministers and the Finance Department are intended to be different from those of the reserved departments. The reason for the diffdrentiation is obvious. In the case of Executive Councillors, the Governor has the power of certification whereas in the case of Ministers they are bound by the vote of the Legislative Council. But the Devolution Rules framed do not carry out the intentions expressed in the reports and this has led to serious consequences. Ministers repeatedly represented to the Legislative Council that they were unable to proceed with a certain proposal as the Finance Department would not sanction it. The exercise of powers relating to reappropriation has led occasionally to bitter relations between the Finance and the administrative

departments. In practice, the Finance Department assumed powers of allocation of revenue, quite foreign to its own constitution. All expenditure is divided into four heads : (1) Schemes which are essential to the carrying on of the administration, (2) those that it is advisable to put into effect as soon as funds are available, (3) all class III schemes which are not urgent but must wait indefinitely, and (4) schemes that the Finance Department does not consider necessary or desirable or does not recommend. Thus the Finance Department of its own responsibility analyses all proposals and accepts or rejects as each one comes under the one or the other. Is it possible for the Finance Department to decide as against the administrative departments whether a particular proposal is essential or non-essential ? How can Finance decide that a scheme is not necessary and therefore would not advise execution ? Every proposal of the administrative department is thoroughly discussed in the Standing Committee of that department before it is sent up to Finance and the advice of that committee is placed at a discount and the views of the Minister are ignored. Therefore, the fact that Finance is a reserved subject takes away all hope of building up responsibility in the Ministers as was anticipated in the Joint Report. All this would not happen if Finance is a transferred subject. The transferred departments being nation-building departments, the country looks forward to their expansion. We realize the financial conditions of the country. The Finance Department should advise the Government to apply for a loan out of the contributions to the Government of India and thereby provide for the development of these departments so that when the revenue improves gradually, the loan may be discharged in subsequent years. Under Devolution Rule 26, Finance being a reserved subject it does not matter to it that those departments are starved ; hence Finance would not move, with the result that no progress is made possible in the nation-building departments.

Paragraph 212 of the Joint Report deals with the lines on which legislative devolution ought to take place. The Committee on Division of Subjects observed : " The general effect of these proposals will be to leave the provinces free to legislate without previous sanction on provincial subjects, whether reserved or transferred, which are not subject to Indian legislation. Previous sanction will, however, still be required even as regards such subjects where the proposed Bill affects powers expressly reserved by statute to the Governor in Council or amends any provision of certain all-India Acts. The freedom of the province to legislate on these subjects without the previous sanction will, it is contemplated, give rise to a constitutional practice under which the Indian Legislature will refrain from legislation on these subjects." But under the Devolution Rules, there are forty-four subjects which are classified as central subjects besides which there are provincial subjects which are said to be subject to Indian legislation. This classification and the extent to which the transferred subjects are brought under the control of Central Government make important legislation not possible without the previous sanction of the Central Government. The old Councils of 1915 were not based on extended franchise and it was urged that they were enlargement of the Executive Council with only powers of recommendation. The spirit of the India Act is to make the provincial Councils independent of Central Government. The orders and instructions issued by the Government of India relating to previous sanction are not consistent with the development of independence of provincial legisla-

tion even subject to certain restrictions indicated above. The convention that is sought to be established for the previous sanction is calculated greatly to hamper and delay the work of provincial legislation. Civil law for instance includes laws relating to status, property, civil rights and liabilities and civil procedure is treated as a central subject. Every Bill bearing on any subject must deal with civil rights and liabilities in the wider sense of the term. A Bill dealing with municipal administration of a province must contain some provisions affecting civil rights and similarly laws relating to land tenure in an area.

The control over provincial legislation is referred to in sections 65 and 80-A of the Government of India Act. But the statutory provisions as to previous sanction have been supplemented by executive orders which have the effect of requiring provincial Governments to submit their Bills for previous sanction in all classes of cases. In practice the previous sanction has been insisted on at every stage by the recent orders. Every amendment by the Select Committee or by the Legislative Council should receive the approval of the Government of India. Provincial legislation must be made free and independent. Government of India will have residuary power of supervision so that all-India matters may not be affected by provincial legislation and this could be established by practice or sound convention. The Committee dealing with subjects discussed it in paragraphs 30 to 33 of the Report, but the rules do not incorporate the recommendations. The Committee on Functions in paragraph 14, in considering the question of all-India and provincial subjects observed: "In fact the powers of the provincial Legislatures are much restricted owing to the rule depending in some cases on statute and in other cases on executive orders. The provincial Bills require previous sanction of the Governor-General or the Government of India before introduction, but the validity of the Act cannot be challenged on the ground that previous sanction has not been given." No alteration was proposed in the system existing prior to the Reforms though in theory provincial Legislatures have concurrent jurisdiction as regards their own provinces. Provinces should be free to legislate without previous sanction on provincial subjects, whether reserved or transferred, which are not specially reserved for Indian legislation.

The administrative control of the Government of India over the province finds expression in the provision of a large number of rules and regulations. Government of India said in Annexure III to the Report on Functions: "In respect of these same subjects (subjects that the provinces administer but which are not transferred subjects) the Government of India will undertake a formal and systematic scheme of devolution of their authority, such scheme to be compatible with the exercise of their control in matters which they regard as essential to good Government." It was hoped that the existing statutes will be so revised as to eliminate provisions necessitating reference to the Government of India which are considered no longer necessary. This hope has not yet been substantially realized.

The experience of the past three years shows the necessity for a thorough readjustment and the transfer of subjects. The avowed policy enunciated in the preamble to the Government of India Act necessitates the gradual devolution of powers to the people of the country in order that full responsible Government may be established in successive stages. The first stage in the political

development is over. This Province showed keen sense of political responsibility and the Reforms were worked successfully even under many adverse circumstances. Questions of powers of appointment and dismissal have not affected the relations between the Ministers and officers of the all-India services serving in the transferred departments. We have now under the existing system, all-India services which are not subject to any such control of the representative assemblies. If we find that Legislative Councils are not fully sympathetic in regard to these services, it is because they feel that they have no voice in regard to them. The services on the other hand feel that they are not fairly dealt with. The apparent antagonism between the Legislative Councils and the services is inevitable as the system in practice vests full control over the services in the Secretary of State for India. Responsible public opinion in Madras is not satisfied with the present system of Government and an Englishman feels diffident to voluntarily entrust his career to Indian representative assemblies. The principal reason for the distrust that is evident is the false position in which the Englishmen and Indians are naturally placed by the non-observance of the provisions of the India Act in their entirety. The policy of the Legislative Council is not expected to change unless entire or greater responsibility is entrusted to them, and until the form of Government is altered. The continuance of all-India services which cannot be regulated by the representative assemblies is an anomaly. Once responsibility is entrusted to the Legislative Assemblies, the distrust will disappear. In fact there is no such distrust in the case of British officers in the Indian States. A certain number of European officers will be required for assisting the Government in the administration of the country. We have no doubt that when full responsible Government is established some of the services men will be willing to serve under the provincialized system.

In this Province a question was recently raised that all appointments to the services vest in the Governor by virtue of a despatch of the Court of Directors which was not repealed or rather confirmed by section 95 or 133 of the Act and consequently Business Rules purporting to have been made in the exercise of the powers conferred by section 49, sub-section 2, of the Act were recently amended. The rule runs thus ; "All proposals for appointment and posting shall be submitted to the Governor. The form and manner in which such procedure is to be followed in obtaining the concurrence of the Council or the advice of the Ministry, where necessary, shall be governed by such general or special orders as the Governor may, from time to time, issue." The legality and soundness of this amendment has been repeatedly challenged in the Legislative Council.

The appointment and transfer of officers employed in carrying out the administration of transferred subjects is part of the administration for which the Ministers are responsible to the Governor and the Legislative Council. Under section 52, clause 3, in relation to transferred subjects the Governor shall be guided by the advice of the Ministers unless he sees sufficient cause to dissent from their opinions in which case he may require action to be taken otherwise than in accordance with that advice. The correct procedure is that except in special cases, the Governor will accept the advice of the Ministers. Any rule under section 49, clause 2, and any orders made in connexion with the rule shall be treated as being the orders or act of the Government of the province. The power of making rules for the transaction of business is subject to an

important restriction that any rule made for the purpose specified in the section which is repugnant to the provisions of any other rule made under the Act, shall, to the extent of that repugnancy, but not, otherwise, be void. Devolution Rule 10 is definite on the point. Therefore, whatever might be the nature of the prerogative of the Governor in regard to the appointments to the public services on the reserved side, the provisions of the Government of India Act, section 45-B and Devolution Rule 10 govern the case of transferred departments.

In paragraph 23 of the Report, the Committee on Subjects observe : "The recruitment of different services differ and it will not be possible to establish any uniform system. The actual appointment must be in any case made by the Local Government, by the Governor in Council in the case of reserved subjects, and by the Governor on the advice of the Ministers in the transferred subjects." Therefore the contention that the Governor representing the Crown is the only authority to make these appointments seems unsound. The Joint Report, paragraph 219, states : "The portfolio dealing with the transferred subjects would be committed to the Ministers and on these subjects, the Ministers together with the Governor would form the administration ; on such subjects the Ministers' decision would be final, subject only to the Governor's advice and control. We reserve to him the power of control because we regard him as generally responsible for his administration, but we should expect him to refuse assent to the proposals of his Ministers only when the consequence of his acquiescence would clearly be serious." In practice these instructions of the authors of the report are ignored. The feeling in the country is reflected in the debates on this question in the Legislative Council.

Section 45-A of the India Act gives large powers of devolution and section 129-A lays down the procedure for rule-making. Provision may be made for the transfer from among the provincial subjects, of subjects as transferred subjects. The question of the heavy contributions from Madras has been engaging the attention of the Government of India and the Provincial Government. Unless immediate relief is given to this Province, the powers and privileges conferred by this Act will not only be futile but will be a source of danger to Government of any form whatever. Under Devolution Rule 18, as it stood any reduction made in the contribution of the provinces, should make a proportionate reduction also in other provinces specified therein. Bengal was treated favourably and Madras was left out in the cold. Bengal, the richest Province, will receive the benefit as indicated in clause 2 (*b*) while poverty-stricken Madras has to wait indefinitely. The inequity of the contribution is admitted and the Government of India desired to assist the Province. The debate in the Assembly has a sad tale to tell but yet it is within the power of the Imperial Government to adjust its finances in such a way as to satisfy the legitimate grievance of this Province.

Section 46 of the Act says that the Presidencies of Bengal, Madras and Bombay and the Provinces known as the United Provinces, the Punjab, Bihar and Orissa, the Central Provinces and Assam, shall each be governed *in relation to reserved subjects* by a Governor in Council and in relation to transferred subjects by the Governor acting with the Ministers appointed under the Act. Clause (3) of the said section gives power to the Secretary of State to revoke or to

suspend the appointment of a Council for any or all the Governors' provinces, but further states that in such a case the Governor of the Province should have all the powers of the Council. The classification of central and provincial subjects and the transfer from provincial subjects is made by rules under the Act. Therefore if all the provincial subjects are transferred there will be no reserved subjects in relation to which there should be a Council and this can be done by making provision in the rules. The central subjects may be left to be administered by a special member who may also be given the status of a Deputy Governor as in the Colonies in order that he may act for the Governor whenever he happens to be absent from the Province.

In reply to question no. 1 of the Royal Commission on Superior Services in India, this Government said that the remedy for the distrust existing between the superior services and the Legislature lay in the transference of further subjects to the control of the Legislature when it is hoped that irresponsible criticism will be diminished as responsibility increases. The Ministers held that the time had come in Madras for the transfer of all subjects at once. By this transfer administration of the Province will not suffer. Both efficiency and character of the administration will be maintained under the new popular Government and the British officials will be associated with the administration for many years to come. Generally speaking, there have been in this province few differences between Ministers and Members of the services in the transferred departments. The transferred departments under very trying circumstances and limitations have been able to put in a large measure of constructive work not only in legislation by enactments of important Acts, such as, Industrial Loans Act, University Reorganization Act, and the Religious Endowments Bill, but a great deal of spade work is done in overhauling the existing system in Excise, Secondary and Elementary Education, Public Works, Registration and the organization of Health department for affording better medical relief in rural areas. Greater decentralization has been effected in the financial relations of local bodies. A detailed description seems unnecessary at present. The reports of various committees appointed on each of these departments for purposes of inquiry into existing conditions and for framing progressive policies have been dealt with and the orders issued thereon giving effect to the recommendations as far as possible testify to the gradual development of work on improved systems, adopted in the depart ments. There cannot be a sudden break from the past. Continuous steady progress was the underlying principle of revision of the systems hitherto followed in the transferred departments.

It is not understood on what principle the distribution of provincial subjects was made into reserved and transferred though the Committee made an attempt to justify under 'certain broad considerations' the classification of subjects into provincial and central (paragraph 14). The classification of the subjects into reserved and transferred has resulted in narrowing the scope of administration even in transferred subjects. An examination of the lists of subjects and an analysis of the provisions attached to the lists lead one to the irresistible conclusion that whatever may have been the motives of those who enacted the rule, the effect has been detrimental so far as the Provincial Government is concerned. The transfer of the subject of 'Industries' was welcomed by the peo1 le but the powers reserved are so wide that there is very

little possibility for the Minister achieving anything tangible and useful to the people. While the development of Industries is a transferred subject, the administration of the industrial Law is a reserved subject. Questions relating to industrial disputes and welfare of the labourers are indispensably connected with industrial development and yet laws relating to factories is a reserved subject. It is inexplicable how the subject 'Factories' could be separated from 'Industries'. The question of 'Mines' and its administration raised a controversy in this Province. The hydro-electric schemes which would drive the spinning and weaving mills of the country or provide for commercial concerns ought to be treated as forming part of the subject of 'Industries'. The exploitation of forests is one of the chief industrial and commercial concerns of the country. Forest produce supply the raw material for various dyes, match factories, paper factories, etc. The Minister for development is helpless in the matter of giving assistance to any of these business concerns. The questions of improvement of cattle and increase of animal power to help the agriculturists are intimately connected with grazing rights in the forest land. Agriculture is divested of the power to regulate the improvement of animal power of the country by depriving the right to control forest areas. The present stage of agricultural development in the country and the methods of agriculture require the utilization of leaf manure. Very often questions are raised in the Legislative Council on this subject.

If we examine the cause for treating Irrigation and Land revenue as reserved subjects, the only reason suggested in the Feetham's report is that they are connected together. In this Province, great difficulty is experienced in the administration of land revenue policy. The Council recommended a policy of permanent settlement and legislative sanction for settlement of rates of assessment in the alternative. When the responsibility is vested in the people, the Legislative Council will have to find other sources of revenue to supplement the loss incurred by the adoption of their proposals. No taxation Bill will be accepted to recoup revenue. The problem of resettlement occupies a prominent place in the revenue administration. The resolutions of the Legislative Council are being neglected and recent attempt to introduce legislation regarding settlement has met with opposition. If a member responsible to the Council is to place the measure for its consideration, the Council is bound to be more responsible. The party in power must be able to get through the measure in the Legislative Council. Recently a Bill was introduced in the Legislative Council regarding settlement and the trend of opinion in the House was against the measure. If it were introduced by a member responsible to the House, the result would have been different. Unless responsibility is introduced into the revenue portfolio there is no likelihood that Land Revenue will continue to be an increasing source of revenue. In regard to the intimate relation of Irrigation and land Revenue referred to by the Committee on Subjects, there is some misconception. The close alliance is limited to the collection of irrigation-cess by the Revenue Department as part of its work but the most important fact is that irrigation works are brought into existence by the Public Works Department. This Department constructs works, and rates are assessed by rules framed by Government, the establishment between Irrigation and Public Works

Department (Construction) is joint and it is difficult to distribute the staff. Administration of Irrigation consequently suffers on account of the dual authority. The Revenue Department receives the assessment and the Public Works Department regulates the supply and distribution of water. The Public Works Department is responsible for the proper maintenance of irrigation works. The question arose in this Province and a tentative arrangement was made however unsatisfactory.

In the case of Excise which is a transferred subject, the Revenue Department collects the excise revenue. There is intimate relationship between the two—Land Revenue and Excise—and yet Excise is not made an integral part of land Revenue. Again Schedule III of Devolution Rules, Public Works (Transferred) includes light and feeder railways, in so far as provision for their construction and management is made by provincial legislation, subject to legislation by the Indian Legislature in the case of any such railway connected with the main line or is built on the same gauge as an adjacent main line. Nevertheless, this subject is treated as a reserved one. Under Part II of Schedule I, provincial subjects no. 6 (*c*) and (*d*), the same subjects appear under the list of transferred subjects. Public Works no. 6 (*c*) and (*d*) these subjects were transferred in all provinces and yet it is curious that the subjects of light and feeder railways are administered in Madras by a Member of Executive Council. The local Boards Act makes provision for light and feeder railways. Devolution Rule is framed to avoid friction in the work of the transferred subjects where the functions overlap one another or where the action taken in one department is of such a nature as to affect the interests of the other but this does not solve the difficulty referred to above.

Law and order have been in charge of an Indian Member of the Executive Council. The test of political responsibility lies in the amount of assistance which the Legislative Council will accord to the administration of this subject. In this Province, the Legislature fully realised its responsibility during the most critical times. The passing of enactments safeguarding peace and order in the conutry is most positive proof of the realization of this responsibility. As long as this subject is a reserved one the Legislative Council will not have full confidence and therefore administration of this subject becomes more difficult. The Legislative Council wants responsibility through a member whose policy and principle it can control, subject to any safeguards. The Committee on Functions realised this and in paragraph 24 states : " If therefore the question arose as to the transfer in any province of the Police to the charge of Ministers the question of the definition of the powers of the Central Government and of the obligations of the Province in relation to the Police would assume quite a different aspect from which it presents as long as the general control of the Government of India is retained unhampered by any restrictions to special purposes." A certain amount of residuary power may be retained in the Governor in regard to Law and Order, powers analogous to that of the President of the United States. It has been already suggested that provincial finance does not require to be handled by an expert. The subject has been dealt with by persons who could not claim expert knowledge. Finance being reserved, it has led to misunderstandings between the reserved and the transferred half. The Legislative Council oftentimes raised the question of distribution of revenue between the two halves of Government

Motion for reductions were tabled more in relation to the allotments to reserved subjects than in relation to transferred subjects. In this Province, perfect good sense prevailed in the discussion of the budget demands. Nevertheless, the Governor of the Province was obliged to certify the demands on certain occasions. As a matter of fact, in some other provinces, Finance, though a reserved subject, is in charge of Indian non-official Member. If Finance be a transferred subject the friction between the parts of Government and irresponsible cuts in the Legislative Council will be minimised. An analysis of the resolutions moved in the Legislative Council indicates the growing responsibility felt by the Madras Legislative Council and the increasing interests evinced in the welfare of rural and agricultural population. It is unnecessary to give full details as the letter of this Government dated 16th July 1923 in reply to Mr. Crerar's demi official letter no. 917, dated 23rd April 1923, sets forth the necessary particulars (*vide* paragraphs 35, 18 to 24, 30, 32, 34, 39 and 66).

As regards the effect of the resolutions in the Legislative Council, reference may be made to paragraphs 18 to 24 of the letter referred to above. On the whole, it might be said that the Government have disarmed criticism and suspicions by placing all their cards upon the table and that generally speaking there has been an increased amount of co-operation in all branches of administration.

In paragraph 66 of the letter referred to, reference was made to the extent to which the Council represents and reacts on public opinion. The Council does represent public opinion, and it is true to say that it does a good deal to create it. So far as the Ministerial party is concerned the relations between the Members of the Council and their constituencies have been more or less closely preserved by the organization of a series of conferences. Such conferences have been held in most of the districts of the Presidency and have been attended either by the recognized party leader, Sir P. Tyagaraya Chettiyar, or by one or more of the Minister's. Paragraphs 66 to 67 of the letter above may be referred to in this connexion.

Moreover the work of the Legislative Council from the beginning started on a kind of party system (*vide* paragraph 68 of the letter referred to above)—the Ministerialists and the Opposition. The latter consisted of Nationalists and Extremists while the former of Progressivists. Among the former there were also non-Brahmans and so the parties are not exclusively formed on communal basis. In this Province, communal questions do not form the major function of the Legislative Council. After the recent elections, the party system was more fully developed. There are political groups with a policy of their own which form the Opposition while the Ministerialists with a policy of their own form the majority party. Paragraph 71 of the letter states: "In this connexion it may be worth while to refer to an observation frequently made by official as well as casual visitors to the Council, that the level of debates in the Madras Council is, of a high order, notwithstanding the unfamiliarity of several members of parliamentary institutions and to a few of the English language. Exuberant eloquence is held within the bounds imposed by reason and public convenience by the strict enforcement of time-limits, which no one will perhaps regret. On the whole, the members may be said to have accustomed themselves

gradually to the restrictions required by parliamentary decorum, no less than to the assertion of parliamentary rights and privileges. In particular, it is gratifying to note that the number of occasions on which the members lapsed into unparliamentary language have been exceedingly few."

The division lists on important questions show that the parties are not formed on communal basis but are guided by definite principles. The motion of 'No Confidence' was moved by a non-Brahman and several non-Brahmans voted with the Oppotition. The resolution relating to the British Empire Exhibition, etc., was also decided on principles to which the parties are committed. Therefore there is a gradual development towards the formation of a party system on political principles. There is a great awakening among the masses. The mass movement in the rural areas is something real. Legitimate aspirations are roused in their minds. The people in the villages have become more articulate than before. The consciousness of the power of vote is awakened in them The elections to the rural panchayats and local boards taught them the value of the vote and the elections to the Legislative Council stimulated their curiosity much more and made them understand the representative system. If the Divisional Officer or the District Collector is not much in evidence in the villages and taluks the administration of local boards inform them that the non-official, a member returned by them to these bodies, has taken their place. It is the daily experience which impresses on the mind of the ryots that the official agency is gradually giving place to the non-official. The education of the masses is most essential and the demand from rural areas is growing larger every day. The present system of franchise may be widened and placed on a still more broader basis to enable the electorates to include still greater number of voters. People are no longer the silent solid mass that could be driven by a skilled official monitor in charge of the district. They demand reasons for every act or work done or has to be done by the administration. It is not intended to convey that there is such a large amount of political education that the masses are quite independent of the preachings of a demagogue or the influence of a political firebrand. The masses are still in a way ignorant of many facts relating to administration and are not unlikely to be easy victims to sinister political influence. The danger is greatest in the case of transitional stage of the people's progress. Effective remedy must be applied and provincial autonomy is the only radical application that is suited to the temperament and character of the masses.

In Madras the diarchical system has had the best trial, but difficulties and defects are now known to be many for achieving real responsible Government. It is necessary that—

(1) immediate transfer of all provincial subjects to be brought under the control of provincial Legislatures with the reservation that in the case of Law and Order and Finance residuary powers in the Governor of the Province may be provided for to meet emergencies as in the case of the President of the United States; nothing short of this will appeal to the minds of the people of this Province and

(2) a special Member may be appointed as Deputy Governor to administer the central subjects. He will act for the Governor when he happens to be absent from the Province.

A. P. P[ATRO]—12-6-24.

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## APPENDIX IV.

## MEMORANDUM ON REFORMS.

The special features of the Reforms introduced by the Government of India Act of 1919 are—

(1) the constitution of the Reformed Legislative Councils.

(2) the classification of subjects, and

(3) the appointment of Ministers.

The object of the Reforms is to ensure to the people of India an effective step forward in the direction of responsible Government. Has this object been achieved? What has been the experience gained during the last more than three years by working the provisions of the Act?

There is no doubt that the Reformed Legislative Councils are an improvement over their predecessors. They are, being to a large extent, elected on an extended franchise, and having a clear non-official majority, more representative, and more independent than the Minto-Morley Councils. But their being more representative and more independent can only be of doubtful advantage, without real responsibility devolving on them. They have the people behind them and are capable of doing a great deal effectively either for good or for bad. If they are not entrusted with responsibility and allowed to be active in right directions, their activities are sure to find vent into wrong channels. No wonder if, in the circumstances, they prove obstructive and be a source of continuous trouble to the Executive Government. How do they stand under the Act of 1919, are they given real responsibility? The Act confers upon them the power to withhold money grants so far as the voted demands are concerned. But this power is in the case of the reserved side of the Government made ineffectual by the Governor's powers of certification. On the transferred side, though the Governor is not empowered to certify rejected demands and the Councils can by withholding grants drive the Ministers to a tight corner, they cannot really enforce their will in changing the Government's policy, because the Ministers themselves are powerless to decide on the line of action to be taken. They are individually appointed by the Governor by whom their advice may or may not be accepted. In fact, the Act leaves in the matter of administration of the transferred subjects, the last word with the Governor. Thus both in the case of the reserved as well as the transferred departments, the Councils cannot have their own way by using their power of withholding money grants. The resolutions of the Legislative Councils continue to be recommendatory. The Councils cannot dictate policy by passing resolutions.

Nor are these Councils in the matter of their legislative independence any the better. Almost every measure introduced in the Provincial Legislative Councils has to receive the sanction of the Government of India. The executive orders issued by that Government require Provincial Governments to submit their Bills for previous sanction in all classes of cases at every stage. This is contrary to the intentions of the Joint Committee and the Functions Committee.

With regard to the classification of subjects, it has not only not attained its object of devolving responsibility on the representatives of the people, but has made the position of the transferred subjects worse than what it had been. Under the old constitution, the now transferred subjects too were administered by the Governor and the Members of the Executive Council, under a system of joint responsibility, even as the reserved subjects are at present administered. Under section 52 of the Government of India Act of 1919, the Governor is in all matters relating to transferred subjects given the power to finally dictate the policy. In other words the powers of the Governor in the case of transferred subjects have under the new constitution become more pronounced.

Again financially, the transferred subjects have to suffer. They have to be content with a step-motherly care, because under the Devolution Rules, the allocation of funds for all departments, reserved as well as transferred, has to be practically decided by the Finance Member, who is jointly responsible for the administration of the reserved subjects and may not care what happens to the administration of the transferred subjects. Of course there is provision for an appeal to the Governor ; but, the Governor himself is jointly responsible with the Members of the Executive Council for the administration of the reserved subjects and cannot afford to be altogether independent of the Members of the Executive Council. The Devolution Rules in this respect are not in accordance with the ideas which find expression in the Joint Report and the Functions Committee Report. According to these reports, the Finance Department should not be an over-ruling power, nor a body that either dictates or vetoes a policy, but the rules, as they are framed, make it both.

Besides, this classification of subjects, into ' reserved ' and ' transferred ' is responsible for inter-departmental friction, either side of the Government failing to accommodate itself to the other. Complaints have been frequently made that the revenue and other reserved authorities have ceased to give local bodies the help they used to give before the introduction of the classification of subjects.

Now coming to the appointment of Ministers, I am afraid it has not improved matters much. The Ministers are expected to have the same status as the Members of the Executive Council, but they have not the same powers as the Members of the Executive Council. They cannot as Members of the Executive Council combine and outvote the Governor even in ordinary matters, for section 52 (3) lays down that in relation to transferred subjects, the Governor shall be guided by the advice of his Ministers *unless* he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice. The Secretary or the head of a department who, according to the rules made under the Act, can have direct access to the Governor may at any time make out a case for the Governor to see sufficient cause to dissent from the Minister's opinion and direct action to be taken otherwise than in accordance with that opinion, no matter if that opinion is supported by the other Ministers and majority of the Legislative Council Members. Again, according to the Business Rules framed under section 49, the authority to make appointments in services is entirely left to the discretion of the Governor. Each Minister has to deal

with the Governor individually. There is no joint ministerial responsibility. Under these conditions it is hardly possible for the Ministers to discharge their responsibility to the Legislative Council. Thus, as has been pointed above, there are defects in the Act and on account of these defects difficulties cannot but be experienced in working the constitution.

If in spite of these defects the Madras Government fared well, it is so much to the credit of its Governor. As a sympathetic and far-seeing statesman he was unwilling on many occasions to take full advantage of the provisions of the Act. The representatives of the people who were responsive to the sympathy shown to them have willingly co-operated with the Governor in trying to work the Reforms successfully. There has been a great deal of give and take policy on both sides. But the experience of Madras is unique. The defects are there both in the Act and the Rules made thereunder and difficulties may arise at any moment.

Thus it is evident that by the introduction of the Reforms, the constitution has become complicated and difficult for working. The intention of the Government of India that an inquiry will be made into the working of the Act cannot by any means be absolute. The Joint Report on Indian constitution anticipated that an inquiry ought to be held five years after the introduction of Reforms for the transfer of subjects. Such transfer can be made by the rule-making power of the Governor-General in Council. Moreover, what the ten years' period was expected to teach, the three years' period has taught. Knowing as we do that the transitional stage aimed at by the Act is attended with serious risks, it is no use keeping to that stage.

We have either to go back upon the promises given in the announcement of 1917 and have the old form of Government or advance a step further and be safe nearer the goal. The former course, I am afraid, is not possible. What with the exercise of the franchise conferred by the Act of 1919 and what with the ever-increasing political propaganda in the country, the people have been awakened to a sense of self-importance. They are sure to resent a retrograde step. The political consciousness of the masses has been roused and they are prepared to run risks to gain political advantages. I need hardly say that it is now-a-days futile to think that the political agitation is confined only to the intelligentsia. It has permeated into the masses. Going back to the old form of Government is, therefore, out of the question. The only course open is to advance forward.

How shall we advance is the question. I think, the best way to get out of the present awkward situation, so far as the provinces are concerned, is to concede full provincial autonomy under adequate safeguards. The classification of provincial subjects into reserved and transferred must be done away with and all of them must be transferred and brought under the control of the Legislative Councils with residuary powers in the case of Finance and Law and Order left in the Governor. The central subjects to be dealt in the provinces may be administered by a special officer who will be the Deputy Governor with the pay of a Member of the Executive Council. He need not be responsible to the Provincial Legislative Council and will not be a Member of that Council. Whenever the Governor absents himself from the province

he will act for him. The provincial subjects, subject to the safeguards referred to above, will be administered by the Ministers appointed by the Governor from among the groups who form the majority in the Legislative Council under a system of joint responsibility.

I am not in a position to say what changes are needed in the Central Government. So far as the provinces are concerned, the Reforms I have indicated above seem to be necessary.

The Province of Madras, which, notwithstanding the inherent defects of the Act of 1919, has worked the Reforms fairly satisfactorily, must have responsibility conceded in respect of all subjects, even as a reward for its good sense and loyalty. A concession of the kind to Madras, will, I am sure, prove to be an inducement to the people of other provinces to improve their attitude towards the British Empire. There can be no doubt the people of the province who under very trying circumstances were able to keep their heads cool and worked the Reforms as smoothly as they could, can be trusted to get on well with all provincial subjects transferred. It is no exaggeration to say that in every transferred department, Madras has been able to advance rapidly and the advance would have been more marked, if only the Government of India did not insist on the levy of 'The Iniquitous Impost.' Another point in favour of Madras is that it has the good fortune of having as its Governor, His Excellency Lord Goschen of whom high hopes are entertained.

The objections to this concession are urged to be that it will work a hardship to the minority and depressed communities. The minorities are generally the privileged communities. They know they have to go through the ordeal, if they want to have democracy. They are not behind others in demanding concessions by way of constitutional progress. As to the depressed classes, they form the bulk of the proletariat population. Surely, they will, if anything, improve their position under a democratic form of Government, especially with franchise qualification more or less reduced or with special electorates constituted for them.

P. R[AMARAYANINGAR],—16-7-24.

No. 562, dated Fort St. George, the 6th August 1924.

From—N. E. MARJORIBANKS, Esq., C.S.I., C.I.E., I.C.S., Chief Secretary to the Government of Madras,

To—The Secretary to the Government of India, Home Department, Simla.

I am directed to forward for the information of the Government of India the accompanying copy of a further memorandum which the Hon'ble the Ministers have prepared on the subject of paras. 4 to 17 of this Government's letter no. 532, dated the 28th July 1924.

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The *Picture* we are afraid is somewhat coloured. We are constrained to say that it does not portray the actual state of affairs. The idea it gives of the working of the Reforms in this province seems to us to be more imaginary than real. At all events, it is different from that given in Mr. Lloyd's letter to the Government of India, dated 16th July 1923, and this Government's reply to the questionnaire of the Royal Commission on Services. This difference is sought to be explained away by the insinuation that the letter and reply, being the results of compromises, do not reflect the views of the Members of the combined Government. A desire to avoid conflict need not result in a sacrifice of principles or indulgence in inaccurate statements. The letter and the reply were carefully considered and accepted by the Members and the Ministers who had actual experience of the working of the Reforms. The assumption that they did not reflect the views of the Members is gratuitous.

Mr. Lloyd's letter speaks appreciatively of the system of joint deliberations of the two parts of the Government, while the *Picture* seems to swear against that system. That the Governor should work in two water-tight compartments is the suggestion in the *Picture*. In the sweeping condemnation of the Cabinet Government, the fact that the Joint Committee and the Instrument of Instructions advocate joint deliberations of the two halves of the Government seems to have been ignored. In this connexion, we need hardly remind our colleagues on the other side of the Government that but for the joint consultation of the two parts of the Government, their relations with the Legislative Council would have been much more strained and that their task of piloting their Bills through much more difficult.

The *Picture* strives hard to make out a case that all the shortcomings of working the Reforms were due to the financial stringency. As a matter of fact, all the difficulties that the Government have been experiencing in working the new constitution are due to the defects in the Act and the Rules made thereunder, though we don't deny that want of funds particularly in the nation-building departments has aggravated those difficulties. That it is so is easily inferable from the fact that in Bengal, where the question of finance was more than solved by the Government of India remitting the contribution, the difficulties have been very much greater than in this Presidency.

The *Picture* refers to the unwillingness of the Ministry to introduce measures of fresh taxation and concludes that financial responsibility has not developed in the legislature, so that they may be entrusted with further powers. That this is not a correct view is evident from the following facts :— (1) Whenever it was absolutely necessary to raise fresh taxes, the Ministry was ready to discharge its duties, notably, as in the case of (*a*) raising stamp duty, (*b*) raising court-fee stamp duty, and (*c*) special revenue measures applicable to no-tax campaign in Guntur. They rightly insisted that the possibility of reasonable retrenchment should be explored before proposals for new taxes are made so that the Legislative Council may be satisfied that the proposal is not preposterous. (2) They have been able to effect considerable economies in the Transferred departments—in the Public Works department and the Medical department. What really is at the bottom of the Legislative Council's suspicion in regard to taxation measures is the fact that the Finance Member has large powers of dictating methods and plans in Finance that any additional funds would encourage expenditure on subjects and services over which they have no control. The rejection of Village Cess Bill is also brought in as an illustration of the unwillingness of the Council to face the odium of fresh taxation. The facts are—The Government (Revenue) resumed all service inam lands and enfranchised them levying assessment from the village officers. The Council contended that the revenue derived from this source must be made available for payment of salaries. Moreover, the disbursement of salaries is left to a Reserved department and the legislature has no control over it.

To a large extent the taxable sources or subjects are Reserved. Nevertheless, in the matter of Local Self-Government, almost all the local bodies have begun to levy maximum cesses allowed by law and a Bill to levy tax on amusements will be introduced in the next meeting of the Legislative Council. The surplus funds in connexion with the religious endowments are utilizable under the provisions of the Endowments Act for secular purposes not inconsistent with the objects of the original endowment. The registration fees were raised to increase revenue by six lakhs. In the matter of excise revenue, the rate of tree-tax was raised in certain areas and still head duties were raised. The Collectors of districts advised against a general raising of the tax. Maximum revenue is realized under excise in this province.

The attitude of the Legislative Council towards the Services is criticized as unbecoming of a responsible legislature and reference is made to economies effected in expenditure. The non-voted demands being outside its control the Legislative Council demanded full justification for the existing state of things. It is the legitimate duty of the legislature to call for explanation. This is specially referred to in the joint reply of the Government to the Questionnaire No. 1 of the Royal Commission on Services.

As regards the agitation in connexion with the excise policy, it is not confined to this province alone. It is more or less general. The removal of untouchability and elimination of drink evil are being agitated by the non-co-operators, and so far as this province is concerned, excise revenue has been so far safe, being a Transferred subject. The Council rejected resolution

which would reduce revenue under this head though a general policy of temperance reform is supported.

The great difficulty in this province is that the main source of any taxation is land. If for the purpose of raising additional finances for the administration of Transferred subjects, a cess in addition to land revenue has to be imposed for local purposes, the administration of the latter being with the Reserved side, the legislature naturally finds it reluctant to allow any measure lest the tax raised might be absorbed in the general revenue. "Cesses and duties cannot be imposed on land by the Legislative Council without regard to the revenue imposed thereon by the Executive Council. The one is dependent on the other." The increase of land revenue effected by executive action is naturally opposed by the legislature. Therefore, when the principles of land revenue settlement are embodied in an enactment and the subject of land revenue is transferred, the Legislative Council would feel bound to be more responsive and consider proposals of further cess and duty. Unless the administration is transferred, it is futile to argue that the Legislative Council is unwilling to accept taxation proposals.

Referring to the communal question, the *Picture* states that there are other groups than the Ministerialists and the Opposition, such as the Indian Christians and Adi-Dravidas. If a serious attempt is made at an analysis of the result of voting on any question of importance, this statement would have to be certainly modified. The fact that, depressed classes have no elective franchise is not due to the Reforms or to the Ministry but due entirely to general neglect shown to these classes by the Government for more than a century. They are not now where they were. Their representation is provided by nomination. It is after the introduction of the Reforms that every endeavour is being made to help the depressed classes. Opportunities are now afforded them to assert themselves. In every direction we now see signs of improvement.

It is to be regretted that the memorandum did not properly appraise the condition of communal question in the province. The communal questions may not be common in European countries where other considerations influence the politicians but to say that 'spoils' system prevails since the Reforms, is not an impartial estimate of the working of the Reforms in this province. The question was more in evidence before the Reforms than after that. The Non-Brahman movement began in 1914 as the Government more or less ignored the claims of communities other than the Brahmans. So long as communities continue to exist there is nothing unreasonable in any community asking for fair treatment in all matters connected with the administration. The 'monopoly' system was an evil for which pre-reform Government is responsible. It is righting of the wrong that the communal movement stands for and not the introduction of the 'spoils' system. The British Government of this province recognized long before the Reforms, the injustice and inequity of the present position of some of the communities and inaugurated a system of selection of candidates according to character, capacity and community and not by the results of competition at an examination. This Government formed committees for each department of administration, Revenue, Police, Forests (all Reserved subjects) for selection of

candidates and the communities not adequately represented were selected by pre-reform Government. In the matter of Local Self-Government, the system of nomination to district boards was in force when the subject was transferred. The ordinary period of three years must run before fresh elections could be made. At the time when the 'no confidence' motion was made, the critics mostly included those who sought for nominations and were disappointed. Moreover, at present, as many as ten district boards are given the right of electing their presidents. In a country like ours, where several communities of unequal development exist, a certain amount of selection is necessary. British Government in India introduced the policy of 'monopoly' and it is to break the monopoly system that the agitation came into existence. Reference is also made to admission of students to colleges. The reference is misleading. What was done was that since hitherto, the Government colleges used to be more or less the monopoly of the kith and kin of officials who happened to be mostly Brahmans and qualified youngmen of other communities had no opportunity of getting admissions, committees were appointed to select from among *qualified applicants* for admission, of those from unrepresented communities. Again it is remarkable that the *Picture* is not able to point out to any single case where the Ministry preferred unworthy candidates.

The memorandum ignores the description of the growth of the party system in the Legislative Council given in Mr. E. A. Lloyd's letter and starts a new case for which there is little evidence. From the beginning, party system prevailed in this province. There has been an opposition composing of all elements Brahmans, Non-Brahman Hindus, Mussalmans and was made up of extremists and so-called nationalists. The Ministerialists are progressives, they stand by the British Raj and loyalty is the fundamental basis of their political creed, but it is unreasonable to expect the Legislative Council to sit with folded arms without asking anything in the interests of the people and the country.

We regret the *Picture* does not reflect the true state of affairs prevailing in this province. We object to its being sent to the Government of India. If in spite of our objection, it is decided by the Executive Council to send it, we request His Excellency to forward to the Government of India our views in this matter as well as our memoranda already circulated.

P. RAMARAYANINGAR.

# BOMBAY.

Letter no. 3116, dated the 2nd July 1924.

From—The Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Home Department.

I am directed by the Governor in Council to reply to your letter no. F.-116-Pub. 1924, dated the 8th April, subsequently summarised in the Press Communiqué issued by the Government of India on May the 16th, in which the Government of Bombay are requested to present a picture of the working of the Reforms during the last 3 years and to enquire into the difficulties arising from, or defects inherent in, the working of the Government of India Act and the rules thereunder and to investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistently with the structure, policy and purpose of that Act, either by action taken under the Act and the rules or by such amendments of the Act as appear necessary to rectify any administrative imperfections.

2. A full account of the working of the Reforms Scheme under the first Legislative Council elected was submitted to the Government of India last year in my letter no. 73-P. of July 21st and it is unnecessary to cover the same ground in the present report. The picture of the working of the Act which was given last year remains substantially true at the present day and few touches are required to make it completely so. A final session of the former Legislative Council took place in the end of July last, after which the Legislative Council was prorogued and then dissolved. The general election followed marked by keen contest in all except the European Constituencies. In some of the Bombay City Constituencies there were as many as 11 and 12 candidates. This resulted in the splitting of the vote and was one cause of the rout of the moderate party. The Swarajists who possess superior organization and discipline and were in a position to present a more popular programme defeated their representations almost everywhere, and few even of the Leaders of the Moderates retain their seats in the present Legislative Council. The electors showed a reasonable interest in the election and the proportion of those who voted was far higher than in 1920, chiefly owing to the split in the Non-co-operation party and the decision of the Swarajists to stand for election.

3. The disappearance of the moderates as a party necessitated a change in the Ministry. As the Swarajists who are numerically the strongest party in the House were pledged not to take office, the new Ministers were necessarily selected from the smaller groups or parties into which the remainder of the House is divided. These are the Muhammadans of Sind, the Muhammadans of the Presidency proper and the Non-Brahmin party. Of the three Ministers newly appointed only one had held office in the former Legislative Council. The relations between the new Ministers and the Executive Council

continue to be harmonious and an agreement as to the allocation of funds between transferred and reserved subjects was reached notwithstanding the financial stringency on the one hand and the pressing needs of increased grants for transferred subject on the other. This was rendered possible by the mutual resolve of both sides of the local Government to do all in their power to promote the practical working of the reformed scheme of Government.

4. The Swarajists are the only non-official party in the House united by bonds other than communal. They have a recognized leader, a definite programme, organization and discipline. The party is the strongest in the Legislative Council but does not command a majority. It professes not to co-operate with Government but shows signs of relaxing the rigour of this policy inasmuch as several of the members of the party have consented to serve on Committees. The three Ministerial groups which have already been alluded to are of about equal size and if taken together command about as many votes as the Swarajists and their supporters. Their organization, however, is still very imperfect for reasons to be explained in later paragraphs.

5. With regard to the difficulties experienced and the defects inherent in the working of the Act, I am to invite the attention of the Government of India to the remarks made in last year's report upon the anomalous position of the Executive Government which is obliged to carry on the business of governing without a working majority in the House. The present Legislative Council may be divided roughly into three equal portions, the Government party, the Swarajist opposition, and the remainder comprising the Ministerial groups and a few Independents. As the first two groups are opposed in practically every division they more or less neutralise one another and the decision generally lies with the Ministerial groups. Each of these groups is communal and is strongly interested in a few questions affecting the interests of their electorate: but beyond the circle of those interests, which differ in every group, their attitude as regards voting frequently cannot be foreseen. This uncertainty as to voting of so large a proportion of the House causes much embarrassment to Government. There are, however, questions upon which every member of the House has a decided opinion, and upon such questions the vote of the House is truly representative. For example, when the Court Fees Amendment Act was thrown out in the last budget session by 57 votes to 35, this result undoubtedly represented the determination of an overwhelming majority of non-officials that taxation should not be increased. The loss of 18 lakhs of revenue, expected from the Act, was certainly embarrassing to Government: but the vote represented the popular will and was accepted by Government.

6. I am, however, to make it quite clear that while the difficulty described above has frequently caused Government embarrassment, it has not hitherto produced a deadlock. The budget of 1924-25 was accepted by the mouse in its broad outlines, though some important items were thrown out and much criticism was expended on details. Explanation of the items to which objection was taken frequently led to a withdrawal of the motion for

its omission or reduction. There were other items, the omission of which was moved and carried upon political grounds ; as for instance, the provision for the establishment of the Director of Information. In this connection it may be noted that the ruling of the late President [*vide* paragraph B (*iii*) of last year's report] disallowing indirect attacks on an officer whose pay is non-votable by motions to omit or reduce the provision of his establishment, has been reversed by the present President. This ruling in the wide form in which it is given renders it possible for the appointments of officers whose salaries are non-votable to be made nugatory by motions for omission of their establishments, which it would not be possible to restore except in an emergency in the case of the transferred departments. The ruling effects therefore a wide extension of the powers of the Legislative Council. A strong attack was made upon the Excise budget, prompted by the leanings of the House towards total prohibition, and the demand of Excise grant was reduced by one lakh under pressure of this attack, without the matter coming to a vote. But on the whole the attitude of the House was decidedly reasonable. The Swarajists party made no secret of the fact that their policy was obstructive, but they were powerless to carry it out. The mass of the House had evidently no intention of allowing the Swarajists to bring the machinery of Government to a standstill as they desired to do and as they have done in other Provinces. The Executive Government has up to date no difficulty in carrying on the business of Government in this Council or the last. At the same time the Legislative Council has kept close control of finance, as was proved in 1922 by the cut of 60 lakhs, mentioned in last year's report, and in 1924 by the rejection of the Court Fees Amendment Act.

7. I am to repeat that the main difficulty experienced or defect inherent in the working of the Government of India Act in the Bombay Presidency is the difficulty which has been described above in the 5th paragraph of this report. It may be expressed in different ways. From one point of view, it is the anomalous position of the Executive Government who are without the assured support of a majority in the House. From another, it is the position of the Ministers who are without an organized following. It is obvious that a stable system of Parliamentary Government cannot rest upon unstable foundations and that these are lacking where many members of the Legislature neither possess, nor belong to a party which possesses, a fixed and considered policy. It is necessary to pursue the subject further and to examine it particularly in its second aspect, the weakness of the position of the Ministers without an adequate following in the House.

8. In the first Legislative Council as was stated in the last year's report there were no organized parties and could therefore be no organized support. In the present House, there is a powerful and organized party of Swarajists ; unfortunately it is pledged to a policy of refusal of political responsibility. Were it otherwise, its numerical superiority to every other group and party in the House would certainly entitle it to office and the first step towards true Parliamentary Government would become possible. As it persists in remaining in opposition, the Ministers have necessarily been selected from the smaller groups. This is the first and most important cause of the weakness of the position of the Ministers. These smaller groups are not only numerically

inferior but are deficient in organization. The Non-Brahmin party has made some progress in this respect. It acknowledges a certain allegiance to the Minister for Education and follows his leadership in matters which concern his particular department. But it appears to consider itself entirely free and is not infrequently divided on other matters whether affecting reserved or transferred departments. The two Muhammadan groups, one for Sind and the other for the Presidency, have however hitherto made little progress in real organization. It is true that upon questions which especially interest and concern their electorates they generally vote together but outside the bounds of communal interests they have little cohesion. Their lack of organization and settled policy is the second cause of the weakness of the position of the Ministers. The difficulty of uniting these smaller groups is sufficiently great in itself owing to the fact that they are separated by locality and religion. The two Muhammadan groups are geographically disconnected and distinct and the third group is composed of Hindus partly from the Deccan and partly from the Southern Maratha Country. The difficulty is enhanced by the prevailing financial stringency which makes it impossible without increased taxation to allocate sufficient funds to the transferred departments to enable the Ministers to present a party programme which would secure the systematic and united support of the three groups which they represent. This is the third cause of the weakness of the position of the Ministers.

9. Without adequate support from their followers the Ministers are obliged to rely largely for support upon the official vote and this has the effect of obscuring the distinction between them and the Members of the Executive Government. It is unfortunately true that the majority of the non-official members, whose political education has been mainly in the school of opposition to official measures, recognize little distinction between the Ministers who are supposed to represent the popular element and the Members of the Executive Government. Both depend for support mainly on the official vote and the followers of the Ministers regard them mainly as Members of the Executive Government. This tends to deaden the followers' sense of allegiance and lessen their sense of responsibility and to throw them back on the simpler and more popular policy of opposition to official measures. A party which held the existence of a Ministry in its power would systematically use and support the Ministry. But Ministers are scarcely felt to belong to a party upon whose support they do not wholly depend for their political existence and which regards them not so much as its own representatives as bound by the official vote to the policy of the Executive Government.

10. The difficulties and defects indicated in the preceding paragraphs may be thus summarized. The Executive Government in this Presidency is enabled to carry on the business of governing in spite of a well-organized opposition mainly because a majority of the House is determined that the opposition shall not bring Government to a deadlock. The Government cannot however reckon on the support of a majority even in matters concerning transferred departments because the Ministers have not an assured following in the House. This weakness of the position of the Ministers is due partly to the refusal of the strongest party to take office and partly to the want of organization and of mutual support which characterises the smaller groups from which they are

drawn and partly to the financial stringency which hampers their efforts to present a popular party programme. The result of these conditions is that the decisions of the House are truly representative of its real wishes only upon matters in which the communal groups are especially interested and are often irresponsible upon other questions of importance. To put it otherwise, a large section of the House is parochial in its outlook and as in the balance of parties the decision of the House depends upon the votes of this section, it is apt to be fortuitous in matters which are beyond the parochial outlook. Advance in Parliamentary Government and the development of popular control over the transferred departments has been retarded by this unsatisfactory position of the Ministers. Some progress has however been made. In the former Council there were no parties and no sustained effort at party organization. In the present House there is a well-organized party in opposition and Ministerial groups which though small in number and communal in interests have already succeeded partially in organizing themselves and making their weight as a party felt in the House.

11. With regard to the feasibility and desirability of securing remedies for these difficulties and defects by action taken under the Act and the Rules or by such amendment of the Act as appear necessary to rectify administrative imperfections, I am as a preliminary to observe that as in the past, so in the future, the successful working of the Act depends to a large degree on the spirit in which it is worked by all parties. The spirit is of more importance than the mere phrases and much depends on the practical interpretation of many of the provisions of the Act. The spirit is defined in the preamble to be the gradual development of self-governing institutions with a view to the progressive realization of responsible Government. The first stage is the development of self-government in the departments already transferred to the Ministers by whose advice the Governor is to be guided and who are responsible to the Legislative Council. The successive stages are the successive transference of further departments to the Ministers until the responsibility for the whole government is transferred to a Ministry who by their advice guide the Governor and who are wholly responsible to the Legislative Council. The difficulties and defects indicated in the preceding paragraphs show that the first stage has not yet been fully reached. For causes there explained it has not been possible to appoint Ministers commanding a non-official majority in the House. Until such Ministers can be appointed there can be no truly Parliamentary Government. Some progress has been made towards this immediate goal but it has been slow and the goal is yet distant. It is not surprising in view of the political inexperience and immaturity of the country and the unfavourable financial stringency. The education of the electorate has been retarded by the disbelief spread by the Non-co-operation movement in the sincerity of the intentions underlying the Reforms. The evil influence of Non-co-operation is declining, but it diverted for three years the main stream of political activity from any endeavour to work the new Legislative Council. There is reason to hope that the evil influence will soon disappear altogether now that the Swarajists party has entered the Council. But valuable time has been lost and progress has been retarded. The Reform Scheme is only half working. The electorate has yet to learn the importance in their own interests of returning representatives with a real sense of political

responsibility for the welfare of the various peoples of the Presidency. The lesson will only be learnt by experience and time. It cannot be taught by the mere modification of rules and regulations. It will be practically impossible until the lesson has been learnt to proceed to the successive stages of transference of further departments to a Ministry wholly responsible to and resting on the support of a Parliamentary party which was the fundamental supposition of the reformed system of Government.

12. The Government of Bombay are therefore of opinion that the main object at present should be, while stimulating responsiveness to the popular wishes in the Executive Government, to strengthen the position of Ministers and to encourage the organization of Parliamentary parties. There is no other road to genuine Parliamentary Government. A reference was made in paragraph B (*iii*) of last year's report to the popular view that the administration is top-heavy and results in starving the nation-building departments. This view has taken shape also in another form in the statement that insufficient weight has been given to the Indian point of view in the Council of the Executive Government. Every endeavour will be made to remove these misapprehensions. Something has already been effected by the investigations of the Retrenchment Committee mentioned in the same paragraph of last year's report, and it is hoped that still more will be effected by regular interchange of views between Members and Ministers. The rules of Business provide for the distribution and disposal of work and offer a ready means, by modifications if necessary, of securing that the Indian point of view is fully represented in the Councils of the Executive Government. Similarly every endeavour will be made to fix entire responsibility on the Ministers as indicated in the Joint Select Committee's Report and Section 52 of the Government of India Act. The Report however presumed that the Ministers would be supported by a majority in the Legislative Council and in considering the advice of his Ministers due regard has to be paid by the Governor to their relations with the Legislative Council and to the wishes of the people of the Presidency as expressed by their representatives therein, as prescribed in clause (6) of the Instrument of Instructions to him. It is therefore of first importance in order to obtain full and unrestricted responsibility that Parliamentary parties should be organised by the Ministers. Any fully organized Parliamentary party would in other words be in a position to insist on full responsibility being left in matters within their jurisdiction to its representative Ministers. It has been indicated that the organization of Parliamentary parties is mainly a matter of education of the electorate and of experience and time. But it is at the same time possible to stimulate the process by strengthening the position of the Ministers and it is already under contemplation to give them the assistance of Council Secretaries to help them in the organisation of their parties in the Legislative Council under section 52 of the Government of India Act. It is also expected that their position will be further strengthened if sanction is accorded at an early date to the proposals for Indianising and provincialising the services in transferred departments made in the report of the Royal Commission on the Superior Civil Services in India. It is also contemplated to provide a Joint Financial Secretary to protect their interests in the Finance Department under Rule 36 of the Devolution Rules. But there is one factor in the opinion of the Bombay Government which has done more to militate against the success of the working

of the Reforms than any other and that is the division of revenues under the Meston Settlement. The Bombay Government have never ceased to protest against the inequity of this settlement. Official protests were made as long ago as the 30th of June 1920 before the Meston Committee's report had been dealt with by the Joint Select Committee. Further official protests were made on the 24th of February 1922, on the 4th of August 1922, and on the 20th of October 1922, and, as time progresses, it is being more abundantly proved that this settlement is one in which the distribution of revenues reacts in the most inequitable manner on this Presidency. The industrial activities of this Presidency are greater than any other. Great schemes of irrigation and development have been taken in hand, for the capital cost of which this Presidency has made itself responsible, but a considerable portion of the indirect revenue which will be derived from these schemes will, under the present arrangements, go to benefit the Central Revenues. Complaints are being perpetually made that the departments controlled by the Indian Ministers are being starved from a lack of funds. Demands, the necessity for which is fully recognized, are being put forward for the nation-building services, particularly with regard to primary and secondary education and to public health, and when these demands cannot adequately be met owing to a lack of revenue, it will be understood how disheartening it is to this Government and to the tax-payers, realising the urgent necessity of these public services, to continue to suffer under this inequitable distribution of the money realized from Taxation in the Presidency. It is noted with regret that the terms of reference of the Committee on taxation do not specifically allow of an enquiry into the incidence of the Meston award, and I am directed to say that it is sincerely hoped that steps will be taken at once either through the medium of this Committee, or by other means to readjust the financial arrangements existing between the Government of India and this Presidency, and that until this is done no hopes can be held out of the satisfactory working of the India Act of 1919.

13. The Government of Bombay feel that the task of suggesting proposals for the better working of the Act would have been far easier had there been an opportunity of judging the real working of the Act as intended by those responsible for framing it. But the fact that the Act has not been worked as intended is not due to any act of the Government but due in a large degree to the determination of that section of Indian politicians which in the first instance refused to enter the Council and which having entered refused to take on their shoulders the responsibilities of opposition. Nevertheless the Government of Bombay have great hopes that the measures mentioned in this letter will tend to substantial progress in the working of the Reforms. They have besides considered the feasibility of transferring further subjects but have come to the conclusion that the moment is not opportune, in view of the fact that no true Parliamentary parties have yet been formed and in view of the present attitude of the Swarajists. They have also considered possible modifications in the numbers of Executive Members and Ministers, but have come to the conclusion that this matter must await the further transference of departments to the Ministers. The Government of Bombay are therefore of opinion that the remedies required do not at present lie in any action, beyond that indicated, under the Act and the Rules or in any amendment of the Act to rectify administrative imperfections. They are moreover of opinion that the stage

of political development contemplated and provided in the Government of India Act has not yet been reached which would justify any fundamental change in the body of the Act. This however is not the unanimous opinion of all Members of this Government.

14. Some Members of the Government, while favouring, so far as they go, the measures already mentioned, also favour some immediate redistribution in the numbers of Executive Members and Ministers. They moreover think that the time has passed when it would have been safe to proceed by successive stages in the development of self-governing institutions and are of opinion that no material advance is really possible without fundamentally amending the constitution in the direction of granting full autonomy immediately to the Provincial Governments. The successive stages prescribed for the fuller realisation of self-government have already been indicated to be the successive transference of further departments to the Ministers with a view to the ultimate administration of all provincial subjects by the Governor with a Council of Ministers responsible for reserved as well as transferred departments to the Legislative Council. The immediate transfer of all the remaining departments would be so drastic a departure from the prescribed scheme as to demand a detailed, exhaustive and prolonged examination by every Provincial Government and the Government of India. It is obvious at the outset that effective safeguards would have to be provided in respect of 4 essential matters at least: (1) The All-India Services depending largely on the orders to be issued on the report of the Royal Commission on the Superior Services in India; (2) The due maintenance of law and order; (3) The due security of provincial finances particularly in view of the large capital commitments of this Presidency; and (4) The remedies necessary against possible hasty and ill-considered legislation in the Legislative Council. There are many other matters which would also need the strictest examination before the introduction of any such drastic measure in respect of any Provincial Government. These matters would hardly permit of satisfactory settlement without repeated meetings of representatives of the Provincial Governments and the Government of India. They would inevitably require eventual reference to a Royal Commission and the majority of the Bombay Government is of opinion that the time has not yet arrived for any such reference. It would in their opinion be a mistake to anticipate the Royal Commission prescribed by the Government of India Act. The Bombay Government do not therefore desire to discuss these matters further in this letter. They presume that they would be given full opportunities hereafter, if these matters were to be further examined, of setting their views before the Government of India. The Bombay Government desire, however, to express their decided view that some definite declaration of policy which is to endure for some years to come is essential. The suggestion as read by some into the Government of India's letter that the Constitution agreed upon by all parties in the Imperial Parliament only 5 years ago may be altered is one which must, inevitably, put Members of Council and Ministers in a most difficult position, having regard to the proposed publication of the letters from Provincial Governments and the present political situation in India. The Bombay Government are convinced that if a definite and stable policy is declared, the Provincial Governments will feel that they can go forward secure in the knowledge that their efforts to improve the welfare of the people on clearly defined lines will have that success which a continuity of sound policy ensures.

No. 3116-A., dated Poona, the 8th July 1924.

From—G. E. CHATFIELD, Esq., C.I.E., I.C.S., Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Home Department

In continuation of my letter no. 3116, dated the 2nd July 1924, I am directed to forward the accompanying Minute of dissent signed by the Honourable Mr. C. V. Mehta, Revenue Member, and the Honourable Mr. Cowasji Jehangir, General Member of the Executive Council.

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DISSENTING MINUTE OF THE HONOURABLE MR. CHUNILAL V. V. MEHTA AND THE HONOURABLE MR. COWASJI JEHANGIR TO THE GOVERNMENT OF BOMBAY'S REPLY, DATED 2ND JULY 1924, NO. 3116, TO THE GOVERNMENT OF INDIA'S LETTER NO. F.-166-PUB.-1924, DATED THE 8TH APRIL 1924, RE: THE REFORMS.

While agreeing generally with the first nine paragraphs of the reply of the majority in the reserved half of the Government of Bombay, we regret that we are unable to subscribe to the non-possumus conclusions to which they have arrived. We agree that a definite declaration of policy is very desirable, but we are of opinion that unless that policy takes the shape of the recommendations that we make in the succeeding paragraphs, it will neither be possible to have a continuity of policy nor to go forward in the efforts to improve the welfare of the people in a way that will meet with their support. We understand from the letter from the Government of India that suggestions for the amendment of the Constitution are not precluded. When the gradual development of self-governing institutions is interpreted to mean the successive transference of further departments in the Provinces, it must not be forgotten that the Government of India Act was framed for the whole of India and that the idea of gradual progress would be observed if full responsibility were brought about in the Provinces and partial responsibility introduced in the Central Legislature. It is surely not contended that even in 1929 full responsibility cannot be contemplated because in the meantime more subjects have not been transferred. It is simply a question of the period after which advance should be made and the Act is quite clear that a Commission may be appointed before 1929 and indeed Mr. Montagu in the discussion on the Bill distinctly said that there was nothing to prevent that being done. Progress is not to be judged purely by the lapse of time but also by the change in the feelings and attitude of the people. As it is necessary to recognise and to meet that change, we write a dissenting minute and we welcome the publication of communications from Provincial Governments because it will give better opportunities to the public to form their own judgment.

2. For the elucidation of our point of view, it is necessary to draw attention to certain facts and circumstances which have an important bearing on the subject. The present Reforms were unfortunately associated with the aftermath of the war with its atmosphere of restlessness and demand for self-determination, and with the events that occurred in India before they came into operation, which greatly impaired their significance. The country was then divided into two main camps. One was composed of the non-co-operators

who regarded the Reforms as a sham and were determined to boycott them; the other, while not fully satisfied, were nevertheless prepared to work them as far as possible. While the former traversed the country denouncing Government and proclaiming Swaraj as the panacea of the country's ills, the latter recognised that the introduction of responsibility was a great improvement on the previous system. They are constrained, however, to say that the Act has not been put into practice in the spirit in which it was drafted or worked in the way in which it was intended. Nevertheless, while several measures benefiting the people have been carried out, it has not been possible to realise the high hopes raised by the Reforms and though larger sums have been provided for nation-building departments, the period has been one more or less of marking time. The result is a feeling of general distrust and discontent among the people.

3. The description given in the majority report would not be complete without an explanation of the position of the Ministers under the existing Constitution. It can hardly be said that there has been actual and full control of the transferred departments by the Ministers and the Legislative Council. There has not been any attempt at making them jointly responsible. On the contrary, under the interpretation put upon Section 52 (3), the Ministers have been clearly given to understand that it is the individual Minister who advises and the Governor who acts. Even if the intentions of the Joint Parliamentary Committee were given effect to or even if a Cabinet were formed, as in our opinion should be the case, with a Chief Minister with colleagues of his own choice, the Constitution as framed at present must be wrecked on the rock of finance. The financial stringency has been sufficiently referred to in the majority draft. If the Ministers approached the Council for additional revenue for the nation-building departments, the necessity of which is admitted by the Council, they are at once told first to retrench in the reserved departments and in the All-India Services in the transferred departments under their control which under the Act they are powerless to do. We desire to associate ourselves most emphatically with this Government's protest against the Meston Settlement.

4. We now analyse the causes which hinder the formation of parties. The forming of parties is impracticable under a system of Dyarchy whereby the Minister is placed under dual control of the Legislative Council and the Governor. Besides there was no pressing necessity for the formation of a Ministerial party during the first Council as the Ministers commanded a majority which included the official votes in matters affecting their own departments. The Swarajists have, however, entered the present Council as an organised party of opposition. The formation of a Government or a Ministerial party, on the other hand, is impracticable. The Ministers were and are imbued with an earnest desire to make the new Constitution a success despite its limitations and were they to organise a party with a clear majority and to take the lead they would, in order to give effect to the party demands, have to be continuously opposing the reserved half which would inevitably produce deadlocks of varying intensity in all Provinces. There are matters on which Indians of all shades of opinion belonging to all parties and communities are united.

They believe that the administration is expensive and top-heavy ; that curtailment of expenditure in the whole of Government, especially in the reserved half and amongst the higher officers of both reserved and transferred departments is called for. They demand a much more rapid rate of Indianisation. They resist extra taxation, not only because they believe that the country is too poor to bear additional burdens but also because they cannot control the allotment and use of revenue. They are insistent on the demand for a far greater extension of education and for the abolition of drink and intoxicating drugs. They resent the control of the Secretary of State over the All-India Services. The Ministers could only get a majority on these lines and were they to take a prominent part in organising such a party the reserved departments would be defeated again and again in the Council until Dyarchy became impossible as administration cannot be carried on by constant recourse to certification. If the Swarajists were to take office they would have to work on similar lines and the result would be the same. In the present circumstances, there can only be two parties—the Government Party consisting of Executive Members, the Ministers and official members, which is the party in power, and the Opposition a part of which supports Government when it suits its purpose to do so. The existence of parties on policies postulates the possession of full responsibility by the representatives of the people. The party whose policy finds favour with the House will be the party in power. When its policy ceases to be acceptable to the House, the party in power goes out and the opposition comes in. Only in these circumstances can the formation and operation of parties be regarded as a reality.

5. All the organised parties in the country, Liberals, Independents Swarajists and No-changers are unanimous in their demand for Self-Government. The Muslims assembled this year in the Muslim League at Lahore, a place of acute tension between the two communities, expressed their concurrence with the rest of the country. The Non-Brahmins in a recent Conference at Belgaum demanded a Royal Commission. Whatever success the Swarajists may have gained at the last elections is a faithful reflection of this widespread belief. In the circumstances detailed above, with a strong party in the Council bent on opposing and, if necessary, obstructing Government, the partial transfer of further responsibility by the successive transfer of departments to Ministers would only lead to more effective opportunities for a deadlock. We are of opinion that no palliatives will be of any effect and that the creation of an authority to control the Government in the shape of a responsible elected Council to take the place of the control exercised by the Secretary of State and ultimately Parliament can only be achieved by full responsibility in the Provinces. We, therefore, think that a Royal Commission should at once be appointed for this purpose. In conjunction with the establishment of full responsibility in the Provinces, certain questions arise which can be considered by the Commission. The relations of the Provincial to the Central Government will have to be fixed. Provision may be necessary for the protection from party politics of not Imperial Services only but of all Services by means of a Public Services Commission with a satisfactory personnel, or a consolidated Fund or otherwise, for the due security of provincial finances particularly in view of the large capital commitments of this Presidency and for

remedies against possible hasty and ill-considered legislation in the Legislative Councils on important matters including law and order.

6. The advance that has been recommended involves the amendment of the Act which must take some time. There are certain minor changes which are necessary, in the meanwhile, for the smooth working of Government. Some of these require an amendment of the Act but much depends on the spirit in which the Act is interpreted and worked. The main object of the Reforms was to secure that the country should be governed with greater regard to the Indian point of view; but this purpose has not been achieved. While retaining all the powers the Governor had in pre-Reform times, the Government of India Act of 1919 has placed upon his shoulders responsibilities which is neither fair nor does it tend to the efficiency of Government. On many important questions in both the reserved and transferred halves his decision is final. These powers should be transferred to the Governor in Council or the Governor acting with the Ministers. There should be joint responsibility of Ministers and their advice should prevail in all matters except when in the opinion of the Governor the safety or tranquility of the Province is affected.

7. There should be a Joint Finance Secretary under Rule 36 of the Devolution Rules who should be allowed to examine all expenditure not only in the transferred but also in the reserved departments.

8. Under the Bombay Electoral Rules and Section 72A2 (*b*) nominations to the Legislative Council should be made not by the Governor, but by the Government as a whole.

9. It is the Government who finally settles the budget as it is to be presented to the Council and it is the Members of Government who make the demand and defend Government's policy in the Legislature. Therefore, under Section 72D2 (*a*), it is the Governor in Council who should have the power to certify expenditure.

10. The powers given to the Governor under Section 72 D (4) might also be transferred to the Governor in Council. Under this Section, it was held that certain items should be included under "salary" and should be made non-votable. This ruling created considerable dissatisfaction in the Legislative Council as it was understood to be contrary to the rulings given in other Provinces.

11. Under Section 49 (2), the Rules of Business are to be framed by the Governor. As drafted for this Province, they did not work satisfactorily but are now to be revised. It is therefore unnecessary to deal with them. We are of opinion that they should be framed not by the Governor but by Government.

12. It has been stated that the Council are unanimous as regards the top-heavy character of the administration and the lack of control over the All-India Services. These can be remedied without an amendment of the Act and effect should be given to it by devolution provided under Section 96-B, and by reducing under Section 47 (2) the number of Members in the Executive Council as opportunity arises with a view to have a majority of non-official Indians.

This last was contemplated so long ago as 1918 when the Government of Bombay in their no. 9745, dated 11th November 1918, in reply to the Government of India unanimously recommended that " the Executive Council should consist of five members including the Governor. There should be four Members of Council of whom three should be Indians." It was provided that the Governor should have discretionary power to appoint a fifth member but that was only to cope with increase in work and even then the nationality of that member was not specified.

C. V. MEHTA.
COWASJI JEHANGIR

*4th July 1924.*

No. 3116-B., dated the 14th July 1924.

From—G. E. CHATFIELD, Esq., C.I.E., Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Home Department.

In continuation of my letter no. 3116, dated the 2nd July 1924, I am directed to forward the accompanying Minute* containing the opinion of the Ministers upon the subject of the Reforms. It will be noticed that it is identical with the Minute of Dissent already forwarded under my letter no. 3116-A., dated the 8th July 1924.

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*Signed by

Ghulam Hussain Hidayatullah.

B. V. Jadhav.

A. M. K. Dehlavi.

# BENGAL.

Letter no. 8540-D., dated Calcutta, the 21st July 1924.

From—A. N. MOBERLY, Esq., C.I.E., I.C.S., Chief Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Home Department.

SUBJECT :—*Report on the working of the reformed constitution.*

I am directed to refer to your letter no. F.-166-Public-1924, dated the 8th April 1924, on the subject of an investigation of defects or difficulties which have been experienced in working the transitional constitution which is embodied in the Government of India Act and the statutory rules thereunder.

2. In the early days of the reformed constitution, an attempt was made in this province to carry out the principle of dyarchy as outlined in the Government of India Act. Matters dealing with reserved subjects were disposed of by the Governor in Council, discussed and decided, where necessary, at meetings in which the Members of the Executive Council only took part. Transferred subjects were the concern of the Governor and his Ministers only. When both sides of the Government were concerned, the subjects were discussed in joint meetings attended by both Members and Ministers. This was the case with reference to the budget, all questions relating to financial policy and measures, and all legislative projects. Occasionally also, on important questions of policy relating to the reserved side, the Ministers were consulted, although the decision was actually taken in the Executive Council. Except, however, in matters of policy arising out of legislative projects, the Members of the Executive Council were not consulted in matters of policy or administration relating to the transferred side. Experience proved, however, that this principle, which contemplates a complete division of authority and responsibility between the reserved and transferred sides of Government, was more theoretical than practical. Since the present Governor assumed office in 1922 the strict principles of dyarchy have been abandoned and the Government has been run as much as possible as a unified whole. Ministers have supported the policy of the reserved half of Government and in return have been able to rely on the votes of the official block for the support of their policy in regard to transferred subjects. In the Legislative Council, as first constituted, there were no well-defined parties, and no party pledged to support the Ministers. There were certain groups, the members of which might be counted on to take a certain line on particular subjects, *e.g.*, one group might be counted on to oppose the police, and the Hindus or the Muhammadans to take a distinct line on communal questions. But members generally did not regard themselves as belonging to any party, they acknowledged no leadership and they appeared to consider that their only function was to exercise independent criticism of Government. The Ministers thus started with no real party of adherents on whom they could rely for support in their policy of administration, and such was their position in relation to the transferred subjects for which they were responsible.

As time went on, however, they succeeded in consolidating a fairly compact group of followers on whom they could rely for support to their policy and on whom they could exercise considerable influence in regard to the reserved subjects. But the opposition was still disorganised, independent and under no particular leader.

3. In regard to reserved subjects, it was the opinion of the Joint Committee that Ministers should not oppose members of the Executive Council either by speech or vote, but no provision to this effect appears in the Government of India Act, and no obligation rested on the Ministers to render assistance to the reserved side of Government by explaining its policy to their supporters. But, as has been stated, the Ministers in Bengal continuously supported the reserved side and were also useful in securing support from the members of the Council who were not entirely antagonistic to the Government.

4. Under the strict principle of dyarchy, the reserved side of Government might have been isolated when contentious questions, such as those relating to the maintenance of law and order, were discussed in the Legislative Council, while the Ministers, even if they had supported one another, would have been able to make little headway with the assistance of their non-official supporters only. Working on these lines, progress would have been impossible, and more than once might have been presented the spectacle of a Government divided against itself—a distinct cleavage of opinion between the reserved side of Government and the Ministers. Such would have been the effect of a system based on a literal adherence to the system of dyarchy. But matters never reached this stage. By the reciprocal arrangement mentioned above the two halves of Government worked in unison.

5. Outside the Council and within the Government itself, similar co-operation between the two halves of Government was established after a year's working of strict dyarchy. Political considerations soon made it apparent that dyarchy could be little more than a theory. Closer co-operation and consultation between Members and Ministers seemed required, and the system was introduced, which is now in force, by which all matters of policy are discussed at a joint meeting of Members and Ministers. The decisions arrived at in such meetings are recorded as decisions of the joint meeting, though orders are issued from the departments to which the particular cases belong, as orders of the Governor in Council, or of the particular Ministry as the case may be. With the Government on both reserved and transferred sides acting as a unit, the Ministers have the opportunity of becoming acquainted with the problems of the reserved side and of viewing the policy of administration as a whole in true perspective. They are also under an obligation to support in the Legislative Council decisions regarding reserved subjects which they have endorsed in a joint meeting and as far as possible to secure for them the support of their adherents. They are in turn in support of the decisions of the joint Government entitled to the votes of the official members of the Legislative Council which affect the transferred side of Government.

6. But difficulties have been encountered even under the modified system of working which has been adopted in Bengal. The obstacle which is the root of all the difficulty in working the transitional constitution is the Indian conception of the Government as something in which the people have no share and for which they have no responsibility, and which it is therefore the duty of every progressive politician to criticise and oppose. This conception of Government is the legacy of the system which has prevailed in this country for so many years. But its result has been that the Legislative Council has not fully used the very real powers given them by the Government of India Act. It is of the first necessity that they should realise their powers and use them. If instead

of being content to be isolated critics of Government, the elected members were to form themselves into a party or parties pledged to do their best to influence Government to carry through a definite programme, they would be in a position to exert very great pressure not only on the transferred side but, through the Ministers, on the reserved side as well. If the Ministers did not carry out their policy, their position could be made untenable, and the Governor could be compelled to appoint Ministers who had the support of the Council. But as matters stand at present there is no party with a real constructive programme. It is true that the Swarajists form a party which follows a definite programme, but they are not prepared to take office even to work out any policy.) It is left to the Ministers to evolve a policy (and the time at their disposal is all too short), and the members of the Council proceed to criticise it. But the latter have no alternative policy to put in its place, and if the Ministers were replaced by others, the position would be just the same. The Council have hitherto failed to grasp their power to make the Government and by supporting it to carry through the schemes which they consider would be beneficial to the country.

7. In Bengal the reformed Legislative Council has passed through one stage and has entered on a second. In the first stage the non-co-operators, who were then the most extreme party, stood aside, and the Council was composed of members who were prepared to work the reformed constitution. Progress was made and some solid achievements were recorded, and though, as noted above, members failed to make the best use of their opportunities, the Ministers were able to influence a sufficient number of them to make it possible, with the aid of the officials, to carry through a considerable amount of useful legislation.

8. Before the elections to the second Council took place, the non-co-operators split into two sections, and a large and influential body of that party decided that their ends would best be attained by entry into the Councils. Their organisation was better than that of their opponents and they met with very considerable success at the polls. They entered the Council as a compact and very well disciplined party under the leadership of Mr. C. R. Das. They are pledged to a policy of proving by tactics of obstruction that the Government of India Act is unworkable and hope that if they can create a deadlock, they will force the concession of Home Rule or "Swaraj," from which they derive their name of "Swarajists." They refused to take office, and were joined by the independents, who had formed the most extreme party in the previous Council, in their obstructive tactics. The combined party commands more than 60 votes in a house of a total strength of 140 and, as their attendance is regular and they have been able to exert pressure on several other members, they have succeeded in inflicting a series of defeats on Government, though usually by a very narrow margin. Their most striking achievement has been the refusal of the Ministers' salaries; but although they have succeeded in carrying motions for the refusal of a series of demands for the reserved side, the better sense of the Council has ultimately prevailed and not only have they failed to throw out the budget as a whole, but they have been singularly unsuccessful in carrying motions against the transferred subjects. There for the moment the matter rests, and it remains to be seen whether the party will hold together or whether the consequences of the pursuit of a policy of obstruction, pure and simple, and of such success as they have met with in refusing demands on the transferred side, which involves the dis-

charge of a number of Government servants belonging to the middle classes, combined with disputes regarding the distribution of patronage in other spheres, will lead to disruption.

9. As has been said, the Swarajists met with marked success at the polls. The majority of the educated classes in Bengal, or at any rate the most vocal portion of them, desire provincial autonomy as early as possible, and the difference between the two sections is merely as to the best means of attaining that end, whether by working the transitional constitution or by wrecking it. The Swarajists, as a branch of the non-co-operation party, are fully prepared to use such weapons as social boycott, and are not above resorting to methods of terrorism, while the more cautious section of the educated classes stand to incur unpopularity if they even appear to support Government. It is therefore by no means unlikely that a third stage will be reached at the next general election by the return of an absolute Swarajist majority which may take office with the avowed intention of wrecking the Government from within.

10. With this possibility in view therefore, the Government of India Act has to be specially considered from the point of view of giving the executive power to deal with obstruction, though there are some minor defects which call for remedy. The main defects lie not so much in the transitional constitution, apart from the ease with which a deadlock can be brought about, as in the failure of those who are prepared to work it to take full advantage of the opportunities which it offers to progress towards responsible government. The politicians complain rather against the constitution itself, in that it does not give the Legislature complete control over the Executive, than against the detailed provisions of the Act and rules. Some indeed claim the transfer of more subjects, with the object of securing control over the police and the services, but their aim is the same as they think that if they could secure this control the rest would follow.

11. Apart from these general considerations, there is one factor which has had a very important bearing on the working of the constitution, *viz.*, finance. The reforms were put into operation at a time when economic conditions were bad, when the whole world generally was suffering from depleted finances. The basis on which the financial relations between the Central and Provincial Governments rested was vitiated by the large fall in the exchange value of the rupee, the revenues of the provinces generally suffered from economic causes, and as a rule the Provincial Governments found themselves with deficit budgets. Taxation had to be resorted to to secure equilibrium between revenue and expenditure, retrenchment was necessary for the same purpose, and the Ministers, charged with the responsibility of administering the transferred departments, found themselves without funds for development or progress in the nation-building activities. As a consequence, criticism of the expenditure on the reserved side was pronounced, and comparisons between expenditure on transferred and on reserved subjects were prominent. It was a common cry that the transferred departments were being starved at the expense of the reserved departments. It was no wonder then that when under the reformed system the popular Ministers were unable through lack of money to produce and carry out schemes of development in education, public health and the like, the system has been condemned in many quarters. No heed was paid to the fact that these conditions prevailed generally throughout the globe, and that elsewhere progress was also at a standstill. Taxation was agreed to in hopes that money might be

available for transferred subjects, but the disappointment that ensued only accentuated the feeling, and rendered the antagonism more acute. This is particularly the case in Bengal, whose treatment by the Meston Settlement stood condemned from the outset, and to this more than to any other cause perhaps may be attributed much of the discontent against the system that prevails even among the more moderate element. This settlement is one of the main defects in the constitution, and with its amendment on a basis which will afford means for progress, the working of the constitution in its present lines should be greatly facilitated.

12. The financial difficulty caused by insufficient revenue was accentuated by the increased cost of the administration. Four Members of the Executive Council and three Ministers were held to be an excessive number for the administration of an area which in previous days formed only part of a province ruled by a single Lieutenant-Governor. There is some force in the criticism ; but so long as it is considered necessary to balance official and non-official and Hindu and Muhammadan representation on the Executive Council, it is impracticable to make any reduction. It may also be argued that the inconsiderable additional expenditure involved is not too much to pay for the training and experience that is given and acquired.

13. His Excellency in Council has obtained opinions from his present Ministers and from two of those who preceded them in office, which are forwarded herewith. The Hon'ble Sir Abd-ur-Rahim has recorded a separate note, which is annexed. His Excellency in Council does not propose to discuss these notes in detail. It will be observed that a return to dyarchy in its strictest sense is advocated by Sir Abd-ur-Rahim, who urges that the responsibility of the Council should be emphasised in a greater degree. Under present conditions in Bengal this could only have one result. The party with the majority—the Swarajists—would prevail, and as they are not prepared to take office, administration by Ministers would be at an end. The general difficulties in practice, to which reference has already been made, are against a system of strict dyarchy, and, in the opinion of the Governor in Council, during the transitional period a better training can be secured, a greater sense of responsibility can be developed, a fuller appreciation of the problems and difficulties of administration can be gained, and thereby the education of the legislature and the electorate more fully advanced, by a system under which both halves of the Government work in unison, share in the deliberations, and support the agreed decision on all important questions of policy affecting either side.

14. A question that has been raised in these notes is that of the separate purse. The history of this question is known to the Government of India —it was originally recommended that there should be a separate purse, but this was eventually negatived. The considerations which have impelled its recommendation now spring from the same causes as those just referred to—insufficiency of funds for the transferred subjects. There is a feeling that the administration of these subjects was hampered by the Finance Department of Government— a feeling which has no foundation in fact—and the view seems to be taken that had the transferred departments had their own purse, progress would have been possible, and these departments would not have been starved. But at no time has it been necessary to have recourse to the provisions of Rule 32 of the Devolution Rules. The allocation of the revenues has been effected without disagreement, and the Executive Council have at no time pressed demands with-

out due regard to the interests of the departments in the charge of Ministers. In retrenchment they were no less active, and the retrenchments effected in the reserved departments were about equal to those in the transferred side.

15. Apart from certain alterations to meet difficulties in the working of the Act and rules referred to hereafter, the Governor in Council would strongly oppose any attempt to modify the constitution or to alter the existing arrangements as regards reserved and transferred subjects. It has been shown that the Legislative Council have so far not utilised fully the powers which have been conferred on them, while the administration of the subjects placed in the hands of Ministers has not so far given proof of fitness sufficient to justify any extension of ministerial government, and up till now there has been little attempt to educate the electorate to their responsibilities. It was naturally unavoidable that in a new and untried scheme there should be certain defects, but their existence need not vitiate the general policy of a gradual growth of responsible self-government by successive stages. The present transitional period cannot and should not be curtailed, and, save for such modifications and alterations in the rules as are necessary to ensure smooth working, and in particular to meet obstruction, the existing machinery should continue.

16. With regard to specific difficulties which experience has revealed in the working of the Act, I am first to refer to the development which has just taken place in regard to the position of the Council *vis-à-vis* the Courts. An attempt to secure the issue of a " mandamus " to prevent the submission of a motion for the reconsideration by the Council of its decision rejecting the salaries of Ministers failed. But a suit has been instituted, and in connection with that suit an injunction has been issued by the High Court which has fettered the powers of the President of the Legislative Council in regard to the business which he may allow to come before the Council.

Whilst it appears to be necessary that some authority should be constituted to interpret a written constitution, there will be possibilities of endless conflict of decision if members of each provincial legislature may institute proceedings in the local High Court. And although there may be some risk in placing an elected President of a legislature, which has no long tradition of the dignity and fair dealing of the Chair, in a position in which he is subject to no control but that of the Council, yet, if his every decision is liable to be called in question by an external authority at the instance of any member, his authority would be so seriously undermined that he would be unable to perform his duties. The particular issue is now under appeal, but whatever be the result, the President must be protected against such interference, either by rule or by an amendment of section 110 of the Act to include the President of the Council among those who are exempted from the jurisdiction of any High Court.

17. Apart from the question of the authority of the President, the merits of the question involved in the recent application to the High Court require attention. It is obvious that the Government should possess the power of resubmitting in a subsequent session any demand for grants which may previously have been rejected by the Legislative Council. This was specifically recommended by the joint Parliamentary Committee in clause 11 of their report on the Government of India Act. The Committee added that in their opinion no statutory enactment on the subject was required. This Government agrees with that view and contends that

there is nothing in the Act or the rules to prevent the resubmission of any motion whether one of appropriation or otherwise. Rejected demands for grants have in fact been resubmitted successfully to the Bengal Legislative Council on several occasions in the past. Mr. Justice Ghosh, however, has expressed a different opinion and, unless this decision is overruled on appeal, or if the Court of Appeal refuse to enter into the merits of the case, this question should be placed beyond the possibility of any controversy by an amendment of the rules in the sense of clause 11 of the joint Committee's report.

18. Another important problem has been raised by the action of the Legislative Council of this Province in rejecting *in toto* the salaries of the Ministers. The Act contemplates the existence of Ministers and the payment to them of salaries. In fact no provision is made for the administration of transferred departments otherwise than by Ministers except in the cases covered by the temporary administration rules. It was undoubtedly the intention of Parliament that the Legislative Council should fix the amount of the Ministers' salaries within the prescribed maximum [section 52 (*1*)] and also that they should have the power of compelling the Governor to select Ministers acceptable to the majority of the Council.

Disapproval of the Ministers selected or of their policy can be indicated by reducing their salaries or, if such reduction is not followed by the resignation of the Ministers, by rejecting their salaries altogether as well as any legislation which they might introduce [section 72D (*2*)]. It was, however, probably never contemplated by Parliament that a Legislative Council might refuse the salaries of any Ministers or fix such salaries at so insignificant a figure as to make the appointment of any Ministers impossible. Such a situation has arisen in this province as well as in the Central Provinces and there appears to be no provision in the Act for dealing with it. If it is intended that the Legislative Councils should not have the power of preventing the appointment of any Ministers, then some amendment of the Act is required either to restrict the limit within which the salaries of Ministers may be fixed or to give the Governor power to authorise the salaries himself where the action of the Council has made the appointment of any Ministers impossible. If, on the other hand, it is held that Parliament intended to confer upon local legislatures the right of choice between Ministers or no Ministers, then the Act requires amendment so as to provide for the administration of transferred subjects otherwise than by Ministers in the event of a Council deciding to dispense with Ministers.

19. Another difficulty which experience has revealed is that certain departments or certain officers or certain expenditure, which are included in the schedule of transferred subjects, may be necessary for the administration of another subject which is included in the schedule of reserved subjects ; consequently, it is possible for a Legislative Council with wrecking intentions to cripple the administration even of reserved subjects by rejecting demands for transferred subjects. The following examples will serve to illustrate the point :—

(1) "Medical" is a transferred subject and the salaries of non-I.M.S. Civil Surgeons, Assistant Surgeons and Sub-Assistant Surgeons, if rejected, cannot be restored by the certificate of the Governor under proviso (*a*) to section 72D(*2*). These officers, however, perform certain duties connected with reserved subjects, such as Police, Jails, Administration of

Justice, etc., and their dismissal would impair the efficient administration of such subjects. Such a case actually occurred in this Province, when in the last session the Legislative Council rejected the demand under the head of "Medical Establishment."

(2) Certain officers, such as the Members of the Imperial Services, are placed beyond the reach of the Legislative Council and their salaries are non-votable. Nevertheless, the cost of their office staff, their travelling allowance and their office equipment is votable. It is, therefore, possible for a Legislative Council to cripple the work of say a Divisional Commissioner or a Surgeon-General by refusing the pay of their personal assistants or their office establishment.

(3) The Public Works Department is a transferred subject, but it has to provide buildings for other departments that administer reserved subjects, such as Police, Jails, Administration of Justice, etc., and therefore the rejection of a demand under the heading of Civil Works may cripple the administration of a reserved subject.

The existing safeguards in the Act do not appear to be sufficient to deal with situations of this kind, which have been created by the ingenuity of minds bent only on destruction. It is true that proviso (*b*) to section 72D(*2*) enables the Governor in an emergency to authorise any expenditure which is in his opinion "necessary for the carrying on of any department," but this power is very different from that of proviso (*a*), which enables him to certify any expenditure "which is essential to the discharge of his responsibility for the subject" and must obviously be used much more sparingly. In the opinion of the Governor in Council this power is not sufficient to deal with the instances above mentioned.

20. *Section 80A(3).*—The difficulties arising out of the proviso to section 80A (*3*) of the Act have already formed the subject of correspondence with the Government of India, and it is understood that an amendment of the law is under consideration.

21. *Section 105.*—The Calcutta High Court is under the Government of India, but its cost is defrayed by the Government of Bengal. This situation is anomalous and indefensible. It has already caused difficulty in the past in connection with the grant for the Paper Book Department and it is certain to produce fresh opportunities of friction in the future. The remedy would be either to transfer the control of the High Court to the local Government, or that the Government of India should bear the cost. The former solution would be preferable, as it would bring arrangements in Bengal into line with those which exist in every other province in India.

22. *Transferred Subject (Temporary Administration) Rules. Rule 2 (2).*—The word "may" in Rule 2(*2*) of the Transferred Subject (Temporary Administration) Rules seems to suggest that the Governor has a discretion, whereas the intention is evidently that he *shall* take charge when provision for the vacancy cannot be made by Rule 2(*1*). It is impossible in the light of paragraph 1 of the Instructions to the Governor to leave the administration of a subject unprovided for.

23. *Bengal Electoral Rules. Rules 39 and 45.*—It has been held that no report seems to be required under the Electoral Rules with reference

to an election petition when such is withdrawn. There is considerable diversity of opinion on this point and it should be made clear that the Commissioners should furnish a report to Government.

24. *Rule 48 and Regulation LXXXVI.*—The rules noted in the margin have been found vague as to when a question shall be referred to the Governor and as to how and by whom a reference shall be made, with the result that individuals have been petitioning the Governor to decide or give interpretations on various sections—even in very general terms. To prevent the abuse of this power of reference, provision should be made that all requests for an interpretation should be referred only through the Returning Officer, and then only on the request of at least 20 electors on the electoral roll of any particular constituency.

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*Note on the Government of India letter no. F.-166-Pub., dated the 8th April 1924.*

As I have been a member of the Bengal Government from the commencement of the Reformed regime, I propose to put down the results of my experience in my own words. In making my suggestions with reference to the working of the Government of India Act and the rules framed thereunder, specially on the points on which I differ from my colleagues, I have proceeded on the assumption that we are not to deviate from the goal set out in that Act, namely the establishment by gradual steps of responsible government in India with full dominion status as lately announced by the Secretary of State for India. I venture also to assert that any step of a retrograde or reactionary tendency would be in direct opposition to unanimous Indian opinion and gravely intensify political difficulties. There could be no doubt that the demand of Indian public opinion, as voiced by many of the influential, thoughtful and responsible exponents of such opinion, is for the immediate grant of an entirely autonomous and responsible government in the provinces and a considerable introduction of responsibility in the Central Government. This large question is not within our purview and I must admit frankly that even if it were, I should, before supporting the demand, wait until a genuine experiment has been made in responsible government for the life of two more Councils in the " transferred " subjects. No such experiment has yet been made and I want to see how far the electorates and their representatives are able to realise their responsibility when thrown entirely on their own resources. The next essential point on which we have to be completely satisfied, is how far the communal groupings in India, the existence of which cannot be ignored or minimised, are or are not consistent with political responsibility.

When it is popularly said that dyarchy is unworkable or has been a failure, it seems to me that the different critics mean different things according to their particular political proclivities. The Swarajists or non-co-operators apparently mean that this form of government, although it has existed for three full years, has not achieved the millennium, which is the only achievement that will satisfy them. On the other hand, there are some theorists who would argue from the form of government which the people were used to from the days of the Mahabharata down to those of the Moghuls, indeed, in fact, until 1921, and also from what prevails, at the present day, in the States of the Ruling Princes, that government by means of a representative assembly can only lead to inefficiency and perhaps anarchy. And efficiency marks the limit of their ideas. Neither class of

criticism has any practical value in investigating the defects of the Government of India Act and exploring its possibilities in the light of actual experience.

It has to be submitted that the first Bengal Legislative Council, in spite of the serious unrest created in the country by Gandhi's non-co-operation movement and fatally hampered by the financial difficulties created by the Meston Award, worked very creditably. That Council from the very beginning pressed for measures of retrenchment, many of which Government have been able to carry out without detriment to the administration. It faced considerable unpopularity in passing Acts for fresh taxation with a view to find money for some of the most urgent needs of Bengal in the matter of water-supply and sanitation, for combating malaria and kala-azar and for the promotion of education, specially primary and industrial. It passed at least one important measure of legislation, namely, the Calcutta Municipal Act. Its attitude towards the administration was generally critical and often irritatingly captious, especially towards the police administration, but was never hostile to the administration as a whole, like that of the Swarajist party. But it must be admitted that even those who for a long time co-operated whole-heartedly with the Government, gradually lost heart when they found that, although they had raised additional revenue by means of fresh taxation, enough money was not placed at the disposal of the Ministers with which they could adequately develop the beneficent activities of the departments in their charge. A general belief grew up that the reserved half of the Government, to which the Finance Department belonged, was too influential for the Ministers, and the Ministers themselves latterly complained that the procedure of that department placed many difficulties in their way. Separation of purse was a constant demand of the last Council, almost as constant as the demand for revision of the Meston Award.

The Ministers latterly came in for a great deal of criticism for supporting with their votes the official view on some of the important administrative questions which arose mainly in the Police and the Jail Departments. The general trend of the Council's opinion was that the Ministers ought to support, both in the Government and in the Council, the popular view in these matters, or at least keep neutral.

No distinct parties with definite political programmes evolved themselves in the last Council. But on questions affecting the interests or sentiments of particular communities—Hindus, Muhammadans and Europeans—such as the slaughter of cows, the representation of Muhammadans in self-governing bodies and the public services, grants to European and Anglo-Indian schools, and so on, there was a marked tendency towards communal grouping. There also sprang into prominence a small group of men, consisting of about 20 members, who at least latterly always spoke and voted against the Government, especially with respect to the measures of the reserved departments. They were mostly Hindus with three or four Muhammadans. The European members were invariably supporters of the Government ; so also most of the Muhammadans and those Hindus who belonged to what was known as the liberal or constitutional party. But even those members who always found themselves in opposition never thought of obstructing the Government by wholesale rejection of the budget or in any other way. All that could be inferred is that the tendency in the last Council was to divide into two parties : namely, those that were advocates of more radical measures of

reform in the administration and a more rapid advance under the Government of India Act and those that were satisfied with a cautious policy and disinclined to damage the prestige of Government in any department. Doubtless there were ambitious individuals, but none of them either conceived the idea of overthrowing the Ministers or were able to form a party strong enough for the purpose. In fact, the impression prevailed that the Ministers retained their office through the goodwill of the Governor, and not that the Governor would be constitutionally bound to dismiss them if they lost the confidence of the Council. That impression was greatly justified, inasmuch as the Ministers always received the support of the nominated votes and they did not appear to be linked together by any common policy or to have one of themselves in authority as a chief Minister.

When the non-co-operators of Bengal under the designation of Swarajists led by Mr. C. R. Das entered the Legislative Council, its working assumed a very different aspect. The sole object of this party—which having absorbed the other group, which called itself Independents or Nationalists, now forms a large majority of elected members—was to obstruct the Government with a view to force the British Parliament to grant immediate swaraj. This political party has captured the Calcutta Corporation and also several District Boards and mofussil Municipalities. What will be the fate of this particular party in the near future is difficult to tell, but we must reckon upon the possibility of there being always a party will be the fate of this particular party in the near future is difficult to tell, but we must reckon upon the possibility of there being always a party in the Council which would be impatient of the pace by which the British Parliament may regulate the development of responsible government in India and might even adopt measures of wholesale obstruction in order to achieve their object. It is also likely that the party in power, which may sometimes be composed mainly either of Hindus or Muhammadans, may be tempted to make use of their position to seek undue communal advantage, to the detriment of good government.

I am aware that the proposals which I am making may, on a surface view of the situation created by the Swarajists in Bengal and the Central Provinces, seem rather rash and hazardous. But I am convinced, after a careful study of all that has happened and is happening, that if we make the Legislative Council genuinely responsible for the administration of the transferred subjects—on whose proper and adequate administration depends so largely the well-being and prosperity of the people—no party, not even the Swarajists with all their enticing shibboleths and numerous trickeries, can for long persuade it not to make the best use of the opportunity. If even then the local legislature is unable to rise equal to its responsibility, the Government can well hold with a clear conscience that the country is not yet prepared for responsible government, and would be justified in seeking some other way of advance.

My proposals are—

(1) There should be a separate purse for the transferred departments with a separate Financial Secretary, and I would give the Ministers Secretaries for the Council, chosen by them from among the elected members, instead of nominated officials.

(2) The nominated and *ex-officio* members shall not vote in matters relating to transferred subjects and the Ministers may refrain from speaking or voting but are not to be permitted to speak or vote against the Government view in any reserved matter.

(3) Section 52 (*2*) of the Government of India Act as it stands is inconsistent with the responsibility of the Ministers to the Legislative Council for administration of the transferred subjects, and I would so modify it as to limit the interference of the Governor to cases in which he is of opinion that such interference is called for in the interests of law and order.

(4) I would retain the power of certification and all the emergency powers of the Governor, and if the power of certification be considered objectionable as throwing too much responsibility on the Governor, I should be prepared to place all amendments to the motions for grants in the reserved departments on the same footing as the resolutions of private members, that is, they will not be binding on the Government, though the Government will attach due weight to the opinion of the Legislative Council in the matter.

(5) The permanent Secretaries or heads of departments shall have no direct official access to the Governor, at least in the transferred departments.

(6) The relations of the Governor with the Ministers should be as nearly as possible like those of the King with the British Ministers.

(7) All questions of policy relating to the transferred departments should be settled by the Ministers themselves, but they should be entitled to consult the Governor and the Members of the Executive Council if they so chose. The Governor will be entitled to call upon the Ministers to furnish information in any matter.

(8) The Governor in Council should, on the other hand, be free to consult the Ministers on any question of policy in the reserved departments, but it must be clearly understood that all decisions should be taken in the Executive Council. Any blurring of the line of demarcation between consultation and decision is bound to be embarrassing both to the Ministers and the Executive Councillors and might even lead to serious complications.

(9) The present convention or etiquette which debars the Members of the Executive Council from all political activity in the country must be abandoned, for I am sure that if they adequately helped the Governor in the task of educating public opinion by explaining to the public every now and then the measures and policies of the Government, this will not only remove many misunderstandings but enable the people to realise the extent of co-operation that is possible between Europeans and Indians under the present system.

(10) Some of the more glaring anomalies of the franchise in Bengal must be removed, and I want it to be understood that amendment of the franchise on the lines I am suggesting is an integral part of my scheme. At present the concession of undue privilege to some classes and communities has tended to breed in them a sense of irresponsibility and in the others a sense of injustice.

(*a*) So long as communal representation remains a necessity, the number of Muhammadan and Hindu seats—what are called the general

constituencies in Bengal are for all practical purposes Hindu constituencies—should be in proportion to their respective populations. Muhammadan public opinion is now entirely opposed to the principle of the Lucknow Pact which relegated Muhammadans everywhere in India to the position of a minority, including Bengal and the Punjab, where the Muhammadans form a majority of the population.

(*b*) The special constituencies should be done away with, with the exception of the Universities and the European Constituencies. It seems to me wholly indefensible that the landholders, the most influential class in Bengal, and the Indian money-lenders, merchants and traders should be provided with special constituencies for their representation while in fact, as was to be expected, the majority of members returned by the Muhammadan and non-Muhammadan constituencies belong to these very classes.

(11) A greater devolution of responsibility to the local legislature and the local Government in provincial matters is necessary—(*a*) We have already addressed the Government of India on the desirability of greatly relaxing the rules and practice requiring sanction of the Government of India for local legislation. (*b*) The High Court should be made a provincial subject. The fact that the Government of India is vested with administrative control of the High Court while the due discharge of its functions is a matter of purely provincial concern and the Bengal legislature has to vote the money needed for its maintenance, has been a constant source of administrative friction and I am sure will, in the near future, create considerable political difficulty. To mention only two instances—the Paper Book Department which was created by the High Court has become a source of perennial trouble to the Government in the Legislative Council and the attitude of the High Court towards recruitment of Muhammadans in the Provincial Judicial Service will, I am certain, before long, entail to Government loss of the support of the entire body of Muhammadan members, at least in all matters appertaining to administration of justice.

If for any special reason devolution of control of the High Court itself is to be delayed, there is no good reason why recruitment to and control of the Provincial Judicial Service should not at least be placed in the hands of the local Government by amending the Bengal Civil Courts Act to that effect.

(12) The Meston Award should be revised with a view to remedying any injustice to Bengal or any other province.

ABD-UR-RAHIM.

CALCUTTA,
*The 19th July 1924.*

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Dated Calcutta, the 24th June 1924.

From—NAWAB BAHADUR SYED NAWAB ALI CHAUDHURY, C.I.E.,

To—The Chief Secretary to the Government of Bengal.

I am to refer to your letter no. 178 A.D. and to make the following suggestions in connection with the enquiry into the working of the existing constitution under the Reforms which has been taken up under orders

of the Governor-General in Council, with the aproval of the Secretary of State in Council :—

Rule 3 and Schedule I of the Devolution Rules should be modified in such a way as to make jute-duty as also income-tax accruing from different sources of income in Bengal provincial concerns.

The restriction making Land Acquisition subject to legislation by the Indian legislature should be removed.

High Courts, Chief Courts and Courts of Judicial Commisioners and other Courts of Justice, both Civil and Criminal, should be directly under the control of Provincial Government and should not be subject to legislation by the Indian Legislature.

Industrial matters noticed under heads (*a*), (*b*), (*c*), (*d*) and (*g*) in Rule 26 of Part II of Schedule I of the Devolution Rules should not be subject to legislation by the Indian Legislature.

Rule 12 of the Devolution Rules should be so modified as to make the local Government completely independent of the Secretary of State in Council as regards the appointment of the Indian Medical Service officers under it.

The rules of business which are framed by the Governor of a Province under section 49 (*2*) of the Government of India Act have practically made the Ministers in Bengal subordinate to their Secretaries. In fact the rules of business in Bengal have been so framed as to defeat the object of the Government of India Act, which is to make the Ministers independent of them in the matter of the administration of transferred subjects. To preserve the spirit of the Government of India Act, it is absolutely necessary that Ministers, as also the Members of the Executive Council, should have a distinct voice in the framing of the rules of business, section 49 of the Government of India Act being amended accordingly.

Schedule I of the Bengal Electoral Rules should be so modified as to give the Muhammadans non-official seats in the Bengal Legislative Council proportionate to their numerical strength in the province. Such proportionate representation of the Muhammadans in Bengal was recommended by the Government of India in their Fifth Despatch to the Secretary of State.

Provision should be made for the rateable apportionment of funds between reserved and transferred departments on a secure basis and there should be no more addition of subjects to the transferred departments so long as the present distinction continues. An Additional Financial Secretary should be appointed in each province to safeguard the financial interests of the transferred departments.

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*Note on the Government of India letter no. F.-166-Pub., dated the 8th April 1924.*

I must begin my comments on the existing constitution by making a confession. My experience of the last few years of the political developmets in India has convinced me that the declaration of the Imperial Government in Parliament in August 1917 was a great mistake. Representative institutions have been thrust upon India, although there can be no doubt that representative institutions, as they are known in the West,

are utterly unsuited to Indian conditions. There are two reasons why I consider the introduction of any system of representative institutions in India inexpedient and inadvisable. In the first place, oriental ideas of Kingship are fundamentally different from those that prevail in the West. The Oriental is accustomed to strong personal rule of one man, and looks upon the weakening of sovereign authority as something ludicrous and unthinkable. In the second place, the political conditions in India absolutely debar the possibility of any harmonious working of the representative institutions in any shape. The incessant communal strifes and the wide cleavage between class and class, creed and creed, create a political atmosphere in which the growth of self-governing institutions becomes an impossibility. The first essential for these institutions to flourish and grow is to have an atmosphere free from party strife, and that is a thing which is an impossibility in India. You can no more expect representative institutions in their proper form to flourish in India than you can expect hot-house flowers to blossom in the icy cold of the North. In my opinion, it has been a great mistake to force a constitution which is unsuited to Indian conditions and it would be a serious blunder if attempts were made to extend the operation of these institutions unless conditions materially change and become favourable to working representative institutions.

As regards the suggestions for changes, I am strongly of opinion that all the officials in the chain of administration, from the Minister downwards, should all be equally responsible to the Legislative Council. Secondly, the transferred departments should have a separate purse and the Minister should have the liberty to frame a Budget within the limit of funds allotted to him. As for the rest, I agree generally with the remarks of Nawab Bahadur Nawab Ali Chaudhuri on the suggested remedies for removing some of the defects in the constitution.

I do not believe that dyarchy should be worked in the form in which suggestions have been made in the note prepared by Sir Abdur Rahim. I prefer the working of the dyarchy as has been the practice at present in Bengal.

Lastly, I strongly deprecate any advance towards transferring more subjects to popular control. This would be a fatal blunder, as it would give the enemies of the constitution a ground for thinking that Government had at last yielded to clamour. It would increase political agitation in India, and encourage lawlessness and even defiance of authority. I strongly feel that the constitution as at present exists, subject to the modificaions proposed, should be worked for the full term of probation as laid down in the Government of India Act.

A. K. FAZL-UL-HUQ.

CALCUTTA,
*The 5th July 1924.*

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*Note on the Government of India letter no. F.-166-Pub., dated the 8th April 1924.*

As I understand the Government of India letter, dated the 8th April 1924, the suggestions contained in this note should deal with justifiable complaints against the working of the scheme in practice and remedies to remove such complaints, that the remedies should, as far as possible,

be limited to the use of the rule making powers under sections 19A, 45A and 96B of the Government of India Act or by minor amendments of the Act, as may be necessary, to rectify any administrative imperfections that may be discovered. Fundamental changes in the Act, it seems to me, are not apparently contemplated, but, if on enquiry it be found to be feasible and possible to make any advance within the Act then such advance may be recommended. If, however, enquiry shows that advance cannot be made without an amendment of the constitution then that question will be treated as an open question.

In making one's suggestions it will be necessary to bear in mind the fundamental principle embodied in the preamble to the Government of India Act, 1919, *e.g.*, that progress in giving effect to the declared policy of Parliament can only be achieved by successive stages. The difficulties are set out in paragraph 2 of the letter. I shall first deal with these difficulties.

DIFFICULTIES.—I agree that amongst others the difficulties of working the present constitution are " due to circumstances in which the constitution has been set at work. Amongst these must be reckoned the immaturity of an electorate newly admitted to the franchise, the tendency for political grouping to follow, at the outset, the familiar lines of communal interests, the lack of an accumulated stock of experience in the responsibilities of administration and the legacy of profound disturbance and disorganisation in the fabric of society bequeathed by the war." In my opinion, the difficulties are more fundamental than those set out above. I am also of opinion that many of the provisions embodied in the peculiar constitution selected by the authors of the Act to provide for the transitional character of the constitution are unworkable and many of the difficulties and anomalies are due to the peculiarly theoretical nature of the constitution. I hope I shall not be misunderstood. I am one of those who firmly believe that the time is not yet ripe for full provincial autonomy and that it is absolutely necessary to provide for a half way house, but that half way house must be some constitution other than dyarchy. I condemn dyarchy, although I claim that Bengal was one of the few provinces in India where during the last administration dyarchy was worked fairly successfully in spite of great difficulties. The Liberal party in Bengal was a fairly strong and organised party during the years 1917 to 1921. We, the Ministers, had a strong backing from a large majority of the members of the Legislative Council. We tried our best to work dyarchy successfully, and I claim we succeeded in working it as satisfactorily as it was possible to work it. But one result of this determined effort on our part was that the majority of our followers in the Legislative Council could not get re-elected and the leader of our party Sir Surendra Nath Banerjee and a staunch supporter of our party Mr. S. R. Dass could not get re-elected. Very few of our followers in the Legislative Council could get re-elected and amongst the long list of calumnies and lies propagated against them one principal item was their support of Ministers who supported necessary measures for preservation of law and order. In short, our party tried to work dyarchy loyally, but dyarchy killed our party. In my opinion, the difficulties of running dyarchy will increase more and more in future. In the present stage of the immaturity of the electorate, support of Government is considered to be a political sin. Even amongst a large section of the so-called well-educated men this belief is very common. This belief coupled with the faith commonly held that the best way for

obtaining further political advance is to obstruct and paralyse administration will make real responsible government in any department more and more difficult and dyarchy means full responsibility in some departments. The half way house, in my opinion, should therefore be not full responsibility in any department but limited responsibility in all departments during the transition period. In other words, I suggest an unified Government, the nature of which I shall develop later. But apart from this, the fundamental conception of dyarchy is an impossible one. The two halves of government are responsible to different authorities whose view points are very often different and conflicting. Even those who take a sane and sober view of things very often differ on important matters from those experienced administrators who form a part of the reserved side of the Government. These differences, however, can be reconciled by discussions round a table and by mutual give and take. Indeed we had not much difficulty in coming to satisfactory decisions after discussion, but the difficulty arises when these decisions partly based on matters which cannot be divulged have to be justified to one's followers in the Legislative Council, and even greater difficulties arise when these members of the Legislative Council have to justify such decisions before an immature electorate. During the transitional period of India's political development strong unified provincial governments are very necessary. Attempt to run a dyarchi form of Government on the lines of an unified form of Government sounds very well in theory, but in practice it means weakening of both sides of Government. At the same time departure from an attempt to run an unified form of Government will mean " stark " dyarchy and must inevitably lead to even greater difficulties. In spite of our strong following in the Legislative Council I daily experienced great difficulties in keeping our following under control and in satisfactorily explaining to them the view point of the reserved side of the Government. In the conditions we are likely to have in India in future the difficulties of running dyarchy, in my opinion, will be accentuated more and more. The future constitution that I suggest for the provincial Governments will be a transitional constitution and a half way house, but it will be such that members of Government, if they desire to act with strength and for the good of the people, will have some chance to do so. I am strongly of opinion that in the present stage of the immaturity, illiteracy and gullibility of voters as also want of responsibility evinced by them in casting their votes it is essential that full responsibility should not be given immediately to the voters and the members of the Legislative Council over any single department of the Government, but the fundamental principle that the constitution should be a half way house should be maintained. If the constitution that I suggest be accepted it will mean that without carrying the voters and the members of the Legislative Councils with them it will not be possible for the Government to expand, but it will be possible for them to carry on their immediate and important duties in all the departments in spite of the adverse vote of the Legislative Council. For the major provincial Governments I suggest an unified Government of 5 besides the Governor. Two of the members should be recruited from the members of the Indian Civil Service and three from non-official Indians. I would call all the members Ministers. During the transition period the salary of the Ministers should be fixed by statute. All the ministers will be removable by an adverse vote of the Legislative Council, but in order to safeguard against constant changes in the personnel of the Government by snatch

votes, I would provide that the Ministers (official as well as non-official) will be removable by a vote of want of confidence specially moved and passed by two-thirds (or, at any rate, at least 60 per cent.) of the members present. The members of the Civil Service who will be appointed Ministers, if they are removed by an adverse vote, will revert to their original appointments or other suitable appointments. The non-official members will have to go back to private life. According to my suggestion, therefore, there will be no difference between the official Ministers and the non-official Ministers and both official and non-official Ministers will therefore try to appreciate, understand and influence the view point of the Legislative Council and of the voters. Almost as a necessary corollary to my suggestion, I will provide that the Ministers of the Government, the Secretaries, the Divisional Commissioners and the District Officers will be entitled to take part in politics during the transition stage at any rate. I will also provide for separation of judicial and executive functions. That will ensure that no officer discharging judicial duties will take any part in politics. I will further provide that permanent officers other than those mentioned will not be entitled to take part in politics. In the transition stage it is very necessary that the higher officers of the Government who have to enforce policies and the political programme of the Government should be free to take part in politics, but subject to party discipline which in this particular case will mean the Government as a party. It may be said that in no other country are permanent officials allowed to take part in politics. This is undoubtedly true, but in no other country permanent officials are allowed to govern the country as a part of a party system of government. In my opinion, for some time to come it is necessary to give the permanent official his place in the Government of the country apart from his duties as Government servant to carry out the policy of the Government. The Government under the present Government of India Act has to depend on the votes of the majority of non-official members in the Legislative Council. It is necessary therefore for the higher officers of the permanent services who aspire to be members of the Government to have training in politics, debate and in other essential things which enable a party leader, whether in Government or in opposition, to carry their followers in parliamentary institutions with them. More experience in administration is not enough. It is necessary for a member of the Government under a parliamentary system to have experience in parliamentary methods and in proper understanding of various political movements in India. Under the present system by the time a member of the Government recruited from the permanent services gains such experience he is nearly ripe for retirement. If, on the other hand, selected senior officers are allowed to take part in politics then by the time they become members of the Government they will have gathered much greater experience in matters which are essential for leading a house of representative members. My suggestion takes away from the Legislative Council their present power over one part of the Government, but it gives them a new power which they do not possess over another part of the Government. I will take away the present power of certification by the Governor on the reserved side and the power of the Local Government to appropriate funds after certification by the governor on the reserved side. In its place I will (following the Japanese constitution promulgated in 1889) give the Local Government power to restore the total amount of the last year's budget in case the whole budget or important parts of it are rejected by

the Legislative Council. I will give power to the Local Governments to adjust the various items of the budget so long as they do not exceed the total demand of the previous year's budget. This will mean that normal activities of the Government can be carried on in spite of irresponsible action of the Legislative Council, but it will not be possible for the Government to expand its activities to tax the people or to legislate without carrying the Legislative Council with it. The very limited power which under the present constitution the Governor enjoys for appropriating funds for the transferred departments, if the Legislative Council, acting irresponsibly, rejects important demands for grants, leads to embarrassing situations. If my suggestion be accepted that difficulty will also be removed. Under the present constitution expansion in the activities of the Government is possible by certification. Under the constitution suggested by me such expansion will not be possible. The Legislative Council therefore will lose its power in one respect, but will gain power which it does not possess at the present moment. If a half way house has to be invented and if the object of that half way house be to protect the legislature and the voter in the transitional stage of their immaturity against their own irresponsible action, then I submit, dyarchy has failed in its object and a constitution something on the lines that I suggest is likely to prove more successful. An unified and strong Government is very necessary in the transition period of India's political development. Subject to these conditions, I will grant provincial autonomy to the different provinces. Provincial autonomy will then mean limited responsibility to the Legislative Council, namely, removal of the Ministers of Government by an adverse vote of 60 or 66 per cent. of the members present, but real responsibility to the British Parliament through the Secretary of State. These suggested changes can be made by amending 7 out of 135 sections of the Government of India Act. The sections which will require amendment are sections 19A, 45A, 49, 52, 67A(7), 72D, provisos (*a*) and (*b*) and section 134, clause (4). It will be possible to introduce these changes in a few sentences. This will also require some changes in the Parliamentary rules. I venture to suggest that these changes will come within the formula laid down by the Hon'ble the Home Member in his speech on the 18th February 1924, *e.g.*, " such amendments of the Act as are necessary to rectify any administrative imperfections." This will not therefore be a departure from the policy publicly laid down by the Government of India with the concurrence of His Majesty's Government. Indian public men have condemned dyarchy in no uncertain terms. The Government will therefore be able to justify its action. If they are attacked for abolishing dyarchy their obvious reply will be that Indian public men wanted its abolition and they have only accepted the public demand. It will also help in solving a difficult and delicate problem, namely, the question of the position, status, emolument and career of the members of the All-India Services, specially of the Indian Civil Service. In my opinion, from the point of view of India's political evolution along the path of self-government it is of the utmost importance to have a contented Indian Civil Service. The question of a career in a reasonably satisfactory atmosphere is, to my mind, even more important for the contentment of service than mere provision for emoluments. I have all along held to the opinion that section 96 B of the Government of India Act aims at a security which is impossible of realisation. It may seem apparently satisfactory on paper, but in practice it leads to anomalies and difficulties. The real safety of the service will be in a strong

executive Government, the members of which Government can only act with strength if the constitution be such that they need not have any reasonable apprehension for dealing out even-handed justice irrespective of creed or colour. If the Ministers have to depend on the goodwill of the Indian majority in the Legislative Councils and if majority of the members of such council are actuated by feelings of racial bitterness no amount of protection on paper will really safeguard the All-India Services.

As regards the Government of India, I will follow a line similar to what I have suggested with regard to the cabinet in the provincial government. In the Government of India I will, of course, retain the present powers about the Army, the Navy, foreign relations and relations with native states. Subject to these reservations, I will have a cabinet similar to the provincial cabinet that I have suggested. Some of the members of the cabinet, say 3, will be chosen from the permanent services. Others, say 4 or 5, should be chosen from non-official Indians. I will call all these members of the Government of India ministers. Their salaries as also the salaries of the provincial ministers during the transition period should be fixed by statute. I will take away the power of certification from the Governor-General in all departments excepting in the departments of Army, Navy, foreign relation, and relations with native states. I will give instead to the Government of India the power of restoring last year's budget automatically and will allow them to add, say, 5 per cent. on the last year's budget should it be necessary in the opinion of the Government of India to take such an additional allotment. Within this sum I will allow the Government of India to re-adjust its budget. I will also make the Ministers of the Government of India removable by an adverse vote of two-thirds (66 per cent.) of the members present. With regard to the official Ministers, this will mean that they will be able to revert to their old appointments. With regard to non-official Ministers, it will mean that they will have to go back to private life.

To sum up, my suggestions really mean a half way house better suited to the present conditions of Indian political evolution. It gives to the members of the Legislative Councils more than mere influence. It gives them definite power for removal of the executive although such power is no doubt limited. If in the future governing of India official and non-official members are to act together while it will be necessary for the non-official members to gain administrative experience it will be equally necessary for the official members to gain parliamentary and political experience. My suggestions mean a limited political advance to the people both in the provincial and in the central governments. The constitution that I suggest is a real half way house, whereas dyarchy is not really a half way house because it entrusts full responsibility to voters and the Legislative Councils in the transferred departments. Further, it creates an unhealthy rivalry between the reserved and the transferred departments. This unhealthy rivalry promotes in the Legislative Council a hostility towards the reserved departments. An unified Government will remove these anomalies and difficulties.

If, however, the authorities ultimately hold that the Government of India Act is not to be changed in any respect, that dyarchy is to be maintained, that only changes that are to be introduced are to be the changes in the rule making powers provided by parliament then I will make the

following suggestions :—

(1) The most important and absolutely necessary change is separation of purse between the reserved and the transferred departments. This was what was originally suggested by the Government of India. The separation of purse will improve the relations between the reserved and the transferred departments and will also minimise much preventable criticism by the Legislative Councils and the Indian public against the reserved departments. The purse should be separated on the basis of the sanctioned expenditure of the respective departments on the 3rd of January 1921. To that should be added to the transferred departments two-thirds of the additional resources of each province due to retrenchment or taxation and to the reserved departments one-third of such additional resources. This proportion was accepted by the Government of Bengal when taxation measures were passed. In provinces (and such is the case of most places) where the additional resources or a good portion of it went to make up the deficit the net surplus should be allocated in the manner stated, but as soon as further surplus becomes available either by better realisation of resources or by retrenchment or by taxation the first charge for making up the two-thirds of the additional resources will be to the transferred departments. The only sovereign remedy for mere destructive opposition and criticism is to turn the attention of the people to constructive work.

(2) A Financial Secretary should be appointed to the transferred departments who will be independent of financial control by the Finance Member in charge of the reserved department and will remain in charge of the separated finance of the transferred departments. One of the Ministers should be the Finance Minister of the transferred department. If my suggestions be accepted, rule 36 of the Devolution Rules will have to be changed. In my opinion this is very necessary.

(3) It is also very necessary to have some members of the Legislative Council to assist the members and the ministers in their parliamentary work. I would have called them Council under-secretaries but that will mean that under the present Act their salaries will have to be voted. If their salaries have to be voted then there is very little chance of appointing these under-secretaries. I would therefore call them Parliamentary Private Secretaries. It is very necessary to have at least 5 of these private secretaries—2 on the reserved side and 3 on the transferred side. In this country we have not yet clear-cut political parties, nor sufficient party funds. It is necessary for the ministers and the members to have the assistance of whips who have some position in the Government and in the Legislative Council. The appointment of these parliamentary private secretaries will make towards establishment of a stable Government and will improve the position of the ministers and members. Further it will have the effect of training some men in administration. Their salaries should be fixed by parliamentary rules. They should not be whole time men. In the Presidency provinces their salaries may be fixed between Rs. 500 to Rs. 750 per mensem. In the other provinces it should be less. Parliamentary rules should be so framed as will enable the Governor in consultation with the ministers or members to appoint these parliamentary private secretaries.

(4) One of the great difficulties which Ministers in most provinces had to encounter was the difficulty of financial stringency. This difficulty, I appreciate, was largely inevitable and was to a great extent due

to world conditions after the war. Giving every allowance to financial world conditions, I am of opinion that the hasty and admittedly incorrect conclusions arrived at by the Meston Committee were largely responsible for the past, present and future difficulties in working the present constitution in the provinces. If the Secretary of State and the Government of India decide to give any chance to the different provincial Governments in India to fight the enemies of destruction of the present constitution, they ought forthwith to appoint a committee to revise the Meston Award with due regard to the just claims of every province as also of the Government of India. It is pretty clear that the Government of India as also most of the different provincial governments are in deficit. The problem has to be solved with due regard to this uncontrovertible fact and an attempt should be made to distribute the burdens between the different provinces and the Government of India on just and equitable lines. It is very necessary to give each one of the provinces better resources than they possess at the present moment. This, in my opinion, can be done, but I do not desire to dilate upon it at the present moment. If the Local Government and the Government of India so desire I am willing to place my views before either of these Governments.

(5) In paragraph 2 of the letter of the Government of India it is very rightly pointed out that one of the difficulties is the tendency for political grouping to follow, at the outset, the familiar lines of communal interests. This I believe to be one of the fundamental difficulties which make formation of party government practically impossible. At the same time it is very necessary to take into account the opinion of a large section of the Muhammadans about communal representation. I suggest a half way house for this purpose. The half way house that I suggest is that the number of seats now allotted, say to the Muhammadans, should be retained, but instead of coming through the special electorate they should come through the general electorate of Muhammadans, Hindus and others. I would at the same time give the Muhammadans franchise in the general electorate so that they will be able to influence the opinion of all members who are returned to the Legislative Council. Shortly stated, when I really mean is that the Muhammadan special electorate should be done away with. There should be a general electorate who will return members, but a fixed number must be Muhammadans. If this is acceptable to the authorities well and good. If not, as a further concession, the next best suggestion that I desire to put forward is that a number of seats should be allotted to special communities, say the Muhammadans. Half of such seats should have special communal representation as at the present moment, but the other half should be by election from the general electorate, but the members must be members of that community. I will explain what I mean. In Bengal at the present moment we have, I believe, 39 seats allotted to the Muhammadans in our local Legislative Council. I suggest that 19 or 20 of these members should be returned as at present from special Muhammadan electorates, but the remaining 19 or 20 members, who should be Muhammadans, will be returned by the general electorates including Hindus, Muhammadans, Christians, etc. So long as special communal electorate is not done away with, party government will remain impossible for India, but as complete abolition of special communal representation will alarm my Muhammadan countrymen I am suggesting this half way house. I may mention that in a meeting of the members of the old Bengal Legislative Council, held for the purpose of consider-

ing the Montagu-Chelmsford report, I moved a resolution on these lines and so far as I remember this resolution was unanimously adopted by Muhammadans, Hindus, Christians alike. Reference to the proceedings of this meeting will, I believe, clear up this point.

There is one other important point which requires serious consideration. In the transition period it is very necessary to limit members of the Legislative Council to those who are really willing to work the constitution and whose object in entering the Legislative Council is not to destroy the constitution. It is difficult to provide adequate safeguards in this matter, but to my mind the difficulty is not insurmountable. I would add a clause in the form of the oath which members of the Legislative Council have to take that they should to the best of their ability try to work the constitution and not to paralyse the administration by obstructing the working of the constitution. In spite of the existence of this clause in the oath, there may be members who will take the oath and then break it. Further, the line of division between obstruction and honest criticism is often difficult of determination. It will not do for the Government to take the power to decide as to what action falls within the category of obstruction and what within honest criticism. I suggest that this power should be exercised by judges who have nothing to do with the Government. I propose that it will be open to any member of the Legislative Council to file a petition before a tribunal, specially constituted in the manner indicated hereafter, complaining that certain member or members have broken their oath. In order to prevent frivolous petitions, I would provide that the petitioner will have to deposit a definite sum of money, say about Rs. 2,000 or Rs. 2,500 along with his petition. The Tribunal I suggest should be elected by all the High Court Judges of India, and in order to minimise public criticism I would further provide that 60 per cent. of the tribunal should be Indian Judges. In case of petitions dealing with members of the Legislative Assembly or Council of State, the tribunal may sit at the headquarters station of the Government of India and in the case of local legislatures in the capital town of the province. In the American constitution certain powers are reserved to the judiciary, and if a power like this be reserved to the judiciary to safeguard against obstruction which will inevitably lead to revolution, a very important point will be safeguarded. I will give this tribunal power to remove the member against whom a petition on the aforesaid lines has been filed, if it comes to the conclusion that such a member has broken his oath. The details may be settled in framing the rules.

P. C. MITTER.

*The 16th June 1924*

No. 9786-A., dated Calcutta, the 18th August 1924.

From—A. N. MOBERLY, Esq., C.I.E., I.C.S., Offg. Chief Secretary to the Government of Bengal,

To—The Secretary to the Government of India, Home Department.

SUBJECT.—*Amendment of Rule 30 of the Bengal Legislative Council Rules 1920.*

I am directed to refer to my letter no. 8540-A.D., dated 21st July 1924, on the subject of defects or difficulties which have been experienced in working the transitional constitution which is embodied in the Government of India Act, and the statutory rules thereunder. In that letter there was an omission in regard to an anomaly which has arisen from the terms of Rule 30 of the Bengal Legislative Council Rules 1920, by which a motion may be moved to omit an entire demand for a grant. A motion of this nature is tantamount to an amendment which has merely the effect of a negative vote, and the result of the admission of such a motion may be that two votes are taken on substantially the same subject. An illustration of this occurred in the proceedings of the Bengal Legislative Council on the 20th March 1924. A demand was moved by the member in charge for a sum of Rs. 28,44,000 under head 15—Irrigation ; a member then moved that the demand of Rs. 28,44,000 under the head 15—Irrigation be refused ; the latter motion was lost. The original demand was then put and this motion was also lost.

2. Rule 30 of the Bengal Legislative Council Rules appears to go further than section 72 (D) (2) of the Government of India Act. The latter section provides that " the Council may assent or refuse its assent to a demand or may reduce the amount therein referred to either by a reduction of the *whole* grant or by the omission or reduction of any of the items of expenditure of which the grant is composed." It appears to distinguish between " reduction " and " omission " and does not specifically provide for a motion for the omission of the whole grant. Rule 30 however, provides that motions may be moved " to omit or reduce any grant or any item in a grant." I am to suggest that if the rule were modified so as to run—

> " mentions may be moved at this stage to reduce any grant or to omit or reduce any item in the grant "

it would accord with the Act and the other rules, and would remove the anomaly referred to above, which enabled the Bengal Legislative Council to arrive at two opposite decisions in the course of a few minutes.

# UNITED PROVINCES.

Letter no. 3211, dated the 3rd July 1924.

From—The Chief Secretary to Government, United Provinces,

To—The Secretary to the Government of India, Home Department, Simla.

I am directed to submit the reply of the Governor in Council to your letter no. F.-166-Public, dated the 8th April, 1924 : and also a separate minute conveying the opinion of the Hon. Home Member, the Raja of Mahmudabad, who does not subscribe to the opinions expressed. As it was clearly desirable that Ministers too should be consulted, they were given an opportunity of recording their views, which will be found among the appendices to this letter. Ministers desire that it should be made clear that their views were formulated before seeing, and without reference to, my letter.

2. In paragraph 2 of your letter it is stated that the object of the Government of India, in addressing local Governments, was to initiate the enquiry into the working of the existing constitution, which in February last they had undertaken to make. In the same paragraph, and in paragraphs 3 and 4, the precise scope of this enquiry is defined at some length ; and the terms of reference have since been summarised in the *communiqué* issued by the Government of India on the 16th May, 1924. The purpose of the enquiry is :—

"(1) to inquire into difficulties arising from or defects inherent in the working of the Government of India Act, and the rules thereunder :

(2) to investigate the feasibility and desirability of securing remedies, for such difficulties or defects, consistently with the structure, the policy and purpose of the Act :

(*a*) by action taken under the Act and the rules, or

(*b*) by such amendments of the Act as appear necessary to rectify any administrative imperfections."

3. The Government of India suggest that the most profitable course to adopt, in dealing with the questions thus raised, would be to represent in the first place a picture of the working of the present constitution during the last three years. To some extent this task has already been discharged in the reply to your letter no. D.-917 of the 23rd April, and it is unnecessary again to traverse the ground there covered. But the account then given requires to be supplemented in two respects ; by the inclusion of subsequent developments, and by a fuller analysis of certain features and tendencies of the Reforms.

4. The last meeting of the first Legislative Council was held at the end of October, 1923. No legislative business was introduced, and the meeting

derived all its importance from the fact that it was the first occasion on which the new Ministers met the Council since their appointment. Their reception was as satisfactory as could have been desired. No reference was made throughout the proceedings to the resignation of the late Ministers; an indirect attack in the form of a resolution proposing the withdrawal of the United Provinces from the British Empire Exhibition was overwhelmingly defeated; and it was clear that the new Ministers had the support and confidence of the Council.

5. The second election was held in November-December 1923, and was distinguished from its predecessor by the partial abandonment of the previous Congress boycott, and the entry of the Swaraj party into the arena. The Swarajists secured 31 seats, but the majority of the members returned were landlords. Attempts were early made to form a Nationalist party on the lines of the Assembly party so designated, and for a time the Council was the scene of constant and kaleidoscopic manœuvres. These manœuvres, however, soon collapsed, and the Swarajists were unable to secure the open adherence of any of the other members. In these circumstances they have been unable to rival the achievements of their colleagues in the Central Provinces, Bengal and the Legislative Assembly. Whilst rarely challenging a division themselves, they have voted against the Government on every occasion on which a division has been taken; they have refused to sit on any committees of the Council, or appointed by Government; and they have unceasingly proclaimed that their aim is to secure *swaraj* by bringing about a constitutional deadlock. On only two occasions, however, have they had any substantial success. The provision in the budget of 1924-25 for expenditure on the revision of the land revenue settlements in certain districts was thrown out by a combination of Swarajists and landlords, and the Motor Taxation Bill, a minor taxation measure, on which opinion amongst the other members was divided, was rejected largely by their votes. But, despite their opposition, the budget was passed without any serious reductions, save in respect of the provision above mentioned, and of the demand under "Forests," which was reduced by 1,39. No large reduction, not accepted by Ministers themselves, was made under the transferred subjects. The Council refused to pass a Bill designed to extend for another year the operations of the Court Fees Amendment Act, passed in 1923: but that Act had never been popular with the landlords; it had been accepted very reluctantly by the late Council; and the Government did not contend that its enactment was imperative on financial grounds. On the other hand the Council accepted a Bill extending for a year the Stamps Amendment Act of 1923, and the budget as finally passed provides an adequate closing balance.

6. It is constantly alleged by their enemies and their critics that the Reforms have failed. If by this it is meant that the present constitution has definitely broken down, then, so far as these provinces are concerned, the statement must be emphatically denied. The Reforms were launched in circumstances of exceptional difficulty. The declarations of the Allies in favour of 'self-determination' had aroused extravagant expectations. The Punjab disturbances had excited bitter resentment amongst all sections of the educated

classes. Muhammadan feeling had been profoundly moved by the collapse of Turkey, and the Treaty of Sévres. And high prices though beneficial to the larger cultivators, were imposing a severe strain on the urban population. These causes led eventually to the non-co-operation campaign, launched by Mr. Gandhi in 1920, and to the closely associated Khilafat movement; and during the following 18 months a widespread propaganda was carried on, which sought by every means to vilify the Government, to inflame racial feeling, and to bring the whole machinery of the administration to a standstill. The non-co-operators boycotted the elections of 1920, but the members of the new legislature shared the same nationalist aspirations and were influenced, in the case of the Muhammadans, by the same religious feelings; they inevitably, therefore, tended in practice to take a charitable view of political activities, which in theory they might condemn; and the measures, which the Government were compelled to adopt in order to preserve peace and order in the country, were the target of constant and unreasoning criticism. Throughout this period the constitution was in consequence subjected to a severe strain, which only a growing sense among responsible people of the real menace of the situation, and the blunders of the open adversaries of Government, and, it is only fair to add, the forbearance of the Government itself, enabled it to withstand. Since the collapse (in its original form at least) of the non-co-operation movement, the situation has steadily improved. Apart from regrettable Hindu-Muhammadan riots, the peace of the province has not been seriously disturbed during the last two years. The volume of crimes of violence is still large, but is being rapidly reduced by efficient police work, and should before long be little if at all above the normal. The old friendly relations with the cultivators, which had been temporarily impaired, have been restored. Harvests have been abundant; food prices have fallen 50 per cent. and the economic condition of the people is better than it has been within present official memory. In the legislature the tension of the early days has disappeared. The budgets have been passed without serious reductions; if all the taxation measures have not been accepted, sufficient additional revenues have been provided for the most urgent needs of the province; and though some resolutions have been carried against them, the Government have sustained no serious defeat, nor has there been anything approaching a rupture between them and the Council. In the internal conditions of this great province, economic, agrarian or political, except for the tension between Muslims and Hindus, there is at the present moment nothing to cause its Government serious anxiety. Forty-seven millions of people are living peaceably under an ordered and progressive administration, and are probably more prosperous than their predecessors have ever been. These are facts worth serious consideration by those who seek to disturb the delicate balance of the composite constitution.

7. It is perfectly true that the reformed constitution has failed to satisfy both the Swarajists and the Liberals. The Governor in Council has no desire to ignore or to minimise the significance of this fact. It constitutes, indeed, the principal cause for anxiety. But he cannot admit that the attitude of the educated classes is the sole test by which the Reforms must be judged, or that any scheme which fails to satisfy their aspirations stands condemned. He believes that there are inherent in the political situation in India factors of far greater gravity than the dissatisfaction of advanced Indian opinion with the

present constitution. He is fully alive to the defects and difficulties inherent in or arising out of the present constitution; but he believes that they lie in directions, and that they point to conclusions, very different from those which its critics have in view when they ingeminate its "failure."

8. The Government of India Act contemplates a division of responsibility between the Governor in Council, and the Governor acting with his Ministers. By the Devolution Rules certain subjects are reserved for administration by the Governor in Council; others are transferred to the control of Ministers and the legislature. In practice, however, the division is far from complete. The Governor has in the last resort power to enforce his views as regards the reserved subjects, and this power has occasionally been used. But its constant exercise would produce a deadlock and the Governor in Council has often therefore to defer to the wishes of a legislature, which is inexperienced and liable to be influenced by sentiment or prejudice. This difficulty was most serious during the period when the non-co-operation campaign was being vigorously prosecuted; but it has not been absent since. The activities of the reserved departments are conditioned by the funds available; for reasons into which it is unnecessary to enter, the resources of the Government have been unequal to the demands upon them; and in the division of these resources the reserved department have fared worse than the transferred. During the last two years a policy of rigid economy has been pursued, and in the main (as will be seen from the detailed figures supplied in my letter no. 1002-C.N. of the 23rd August 1923) at the expense of the reserved side of the administration. The rise in prices has necessitated a revision of the salaries of Government servants in all departments, but, apart from the enhancement due to this cause, the expenditure has fallen in the reserved departments which in normal conditions and in a progressive country ought to share fairly in the general development. In particular the strength of the police force has been drastically reduced, a much needed expansion of the judiciary had to be postponed, the revision of the land records has been impeded, and it has been impossible to find money for some other most pressing needs, such as the repairs of revenue and police buildings, many of which are in a scandalous condition. In the meantime money has been freely spent on schemes in the transferred departments which the Governor in Council can only regard as being less urgent. The Governor in Council does not make these observations in any spirit of complaint. He recognises that considerations other than those of mere efficiency must affect expenditure on transferred subjects. Educated Indian opinion attaches more value to certain matters and less value to others than English opinion does; and it was the intention of the Reforms that within the transferred sphere Indian opinion should become effective. It is natural and inevitable that the legislature should be more ready to vote money for the departments controlled by Ministers than for those in regard to which it has no direct responsibility; and this disposition is strengthened by the conviction that the transferred departments are, in the popular phrase, the "nation building" departments. It is impossible, however, in a review of the last three years, to ignore the fact that the financial control exercised by the Council has seriously constricted the administration of reserved subjects, which after all are those on which the conditions of any civilised government depend.

9. The Governor in Council is naturally reluctant to criticise the consequences in some of the transferred subjects. But he is required to give his real opinion on the whole constitution and not merely on that side which he himself administers. As part and parcel of the policy of extending the principles of self-government, within the last few years legislation has been passed making municipalities, district boards and universities to a very large extent self-governing. The result has been to deprive the Government of effective control. Consequently if deterioration is discernible it would not be just to blame the Minister in charge of the particular department. Ministers have in fact adhered to the accepted policy of letting the self-determining bodies have their way as far as possible and, if necessary, learn by their own mistakes ; but within the limits so imposed thay have sought to guide local bodies in the right direction as will be seen from the attached extracts of the annual reviews of their administration. But of the actual fact of deterioration the Governor in Council entertains no doubt. It is most evident in the sphere of local self-government, and particularly in the municipalities, which have been longer under non-official management. In each of the last three years the total municipal expenditure has exceeded the total revenue by many lakhs, and the disparity is increasing. By retrenchment, economy, businesslike methods, and taxation, it is in the power of all the boards to stabilise their finances ; but they appear to be unwilling to adopt or incapable of enforcing these remedies. Nor has this large increase in expenditure been attended by any corresponding improvement in the services administered by the boards. The condition of the water works in some of the larger cities is giving grave cause for anxiety, and the repairs of the roads have generally been neglected. It is not merely the Governor acting with his Ministers who has expressed such views. Comments far more severe have been made recently by the leading organ of Liberal opinion in an article headed " A peep into local self-government," dated May the 26th :—

" From the numerous communications we have been receiving about the affairs of district and municipal boards in these provinces it appears that a very large number of them have become hot-beds of caste, or communal, or party strife. It is impossible for public interests not to suffer where narrow sectarian feelings run high or personal animosities influence the motives of action. Many correspondents complain about the arbitrary and high-handed proceedings and conduct of the chairman of this district or municipal board or that, and draw depressing pictures of the confusion, waste, inefficiency, irresponsibility, etc., which, in their view, characterise the district board or municipal administrations against which they complain. .. .. .. The general impression left on our mind by these communications is that the new boards contain more discordant and aggressive elements than the old ones did, and that the number of representatives who can approach local questions from a purely public point of view and in a spirit of broad-mindedness is very small. If the controversies that rend the boards were connected with measures and not men they can be regarded as evidence of healthy growth of interest and responsibility in local affairs. But unfortunately more often than not they centre round personalities. This is, indeed, deplorable and should furnish food for serious thought to the well-wishers of the country, especially to those interested in the success of democratic institutions. . . . . There is a prevalent tendency to blame the Government for every ill we suffer from. But we should more clearly realise that much of the cause of our past and present plight lies in our own defects. . . . The more acutely we realise our defects, the better chances there are of a conscious effort to get rid of them. If we cannot run honestly, smoothly and efficiently the very limited *swaraj* that we have got in the sphere of local self-government, how will we be able to discharge more onerous and responsible duties in a larger sphere ?"

10. The change is not confined to local bodies. There is reason to fear that the establishment of self-governing universities is tending to lower the standard of higher education. Under the stress of financial pressure the universities have begun to compete for students, and the easier they make their courses and examinations, the more likely are they to be successful. Secondary education is not directly controlled by the universities, but in the long run its character and quality will be determined by their requirements, and will fall if these fall. In primary education, despite a great increase in expenditure, there has been little progress. The rise in attendance has been mainly nominal, and in the report for the year 1922-23, the Director of Public Instruction observes that 40 lakhs are being wasted annually to little purpose. In the medical sphere, difficulties have arisen between the local boards and the Medical department over the postings or discipline of medical officers. There is a disposition on the part of the Legislative Council to look askance at the Indian Medical Service, and its dislike of officers of the Indian Subordinate Medical Department is unconcealed. There is also a tendency both on the part of local bodies and of the Legislative Council to foster the practice of what western opinion can only regard as unscientific systems of medicine. The Governor in Council recognises that in many respects the changes discussed have the support of Indian opinion ; and yet if he is asked whether he regards them as really making either for the health or happiness of the people he can only say 'No.' The Governor in Council desires to repeat that these comments are not intended as a criticism of any of the Ministers who have held office. Ministers have worked loyally and energetically for the efficiency of their departments; and they cannot be held responsible for results, which depend far less upon the personality or the efforts of Ministers than upon the general conditions, to be presently described, in which their work has been done.

11. The progress alike of the reserved and of the transferred departments depends largely on the condition of the public services ; and in this respect there has been a change. The spirit and the outlook of the services are not what they were. It may be difficult to specify the precise extent to which they have been affected, or to disentangle the various causes. But of the broad fact there can be little doubt. In the heated political atmosphere of the first fifteen months after the inauguration of the Reforms, the European services were the object of constant vilification and abuse in the press and on the platform ; indeed, as will be seen from the published proceedings, in the Legislative Council also, where though criticism was more restrained, it was often hostile and prejudiced. During the more peaceful period, which followed the collapse of the campaign of disorder, matters have much improved : and from various quarters keen appreciation has been expressed of the capacity of European officers to handle a difficult or dangerous situation. But there is still a tendency to look very sharply into any mistakes or shortcomings of hard pressed European officers, and to ignore their reasonable claims. More than one resolution has been passed which, if carried out, would have deprived them of appointments, to fill which they had been recruited. It is not sug-

gested that the Legislative Council has deliberately sought to inflict injustice on European officers. The constitution of the all-India services is not well understood, and many members of the legislature are influenced by the feeling (for which there is justification) that in the past Indians have not received their fair share of the higher appointments. The natural effect, however, of the attitude of the legislature has been to create in the minds of Englishmen serving in India an impression of hostility and a feeling of insecurity, which makes it difficult for them to give of their best. There are distinct signs that the services are losing their former keenness. Since they no longer have the power of shaping policy to the extent which they had, they no longer feel that the progress of the country depends upon their efforts, nor indeed that any efforts of theirs are likely to have abiding results. Enthusiasm and energy have also been sapped by financial pressure, and by the cloud of uncertainty which hangs over the future of the country to which they have given their lives.

12. No account of the working of the reformed constitution can present the complete picture for which the Government of India have asked without some reference to those wider conditions on which ultimately democratic government depends. What progress, if any, has been made in respect of these conditions ? This question goes deeper than any other, and the Governor in Council has given to it his most careful consideration. He feels that in the face of vital issues it is essential to get down to root conditions, though he realises that any presentment of those conditions which is at variance with the assumptions of advanced Indian opinion may expose him to misrepresentation or misunderstanding. In the opinion of the Governor in Council a beginning has been made; Ministers and legislators have acquired some acquaintance with the practical difficulties of administration; and the same is true of some chairmen and members of local boards. But political development is still in the most elementary stage. None of the fundamental ideas which underlie the whole system of representative government in the Western world has as yet taken root. The electors do not recognise in any living sense that the legislature is their representative carrying their mandate, and binding them by its decision, and practically no attempt has been made by any party to educate them in their duties and responsibilities. The vast majority of the electors are still what they always have been, members of an illiterate peasantry with many virtues but not many of the qualities out of which the controlling power of Parliaments and parliamentary Governments is made. They are from force of circumstances for the most part preoccupied with the difficulties of physical existence, responsive to the claims of their caste or community, passionately attached to their holdings, resentful of interference and oppression, but indifferent to any larger issue save religion; and religion in India is not a unifying but a disruptive force. Despite what is described as the Hindu-Muslim *entente*, the relations between the two great communities are, it is to be feared, decidedly worse than they were 25 or even five years ago; and the explanation is not far to seek. As self-government has drawn nearer, each community has become more conscious of its own position, and more suspicious of the motives and intentions of the other.

The Hindu is filled with alarm by the more rapid increase of the Muhammadans, their greater virility, and the tendency of some of them to look for support to Powers outside India. The Muhammadans know that they are heavily outnumbered and outdistanced both in wealth and education, and fear that *swaraj* will mean a Hindu rule. The more farseeing politicians on both sides realise that without a genuine union *swaraj* is impossible, and incessantly preach the necessity for this. Nevertheless, even in the ranks of the intelligentsia, there are few signs of the growth of a common patriotism capable of dominating sectarian animosities ; in fact the true national spirit which is the basis of democracy has yet to be evolved. In the legislature members have been familiarised with the machinery of parliamentary institutions ; they have acquired certain aptitudes in Council and in committee; and have been brought into contact with vital issues. But well-organised parties (except for the Swarajist, which is almost entirely Hindu and held together by hostility to the British connection) are non-existent ; the interplay of personal factors is incessant ; and the formation of stable combinations is impeded by the cross divisions of race, religion and interest. The position of a Minister is always precarious. At any moment a temporary coalition may overthrow him, and he can rarely take a strong line in opposition to any substantial or clamant section because there is no large body of impartial public opinion on which he can rely. In short, neither the principle of responsibility to the electorate nor the principle of party cohesion has yet been established in any strength. Nor is this in the least surprising. Experience elsewhere has shown that these take time to grow.

13. These are the real obstacles to the rapid political advance which the Indian nationalist desires ; and it is apparent that they cannot be affected by any alterations in the details of the Act or rules. If facts are to be faced, there is and there is likely to remain, a cleavage of opinion between European and Indian thinkers over many questions of policy in India. Time, education and a prolonged habit of consultation and association in the work of government may conceivably bridge the gulf ; but it is wide at present. A Statute which recognised this cleavage so plainly as to provide that either sort of opinion should prevail in its appropriate sphere is not likely to be wholly acceptable to either side. Nor can there possibly be far-reaching agreement as to what constitutes " defects and difficulties " in the Act. Some of these are indeed apparent ; dyarchy is obviously a cumbrous, complex, confused system, having no logical basis, rooted in compromise, and defensible only as a transitional expedient. But if we go further into the question, the main defects of the Reforms system from one point of view are its merits from the other point of view : and any attempt to deal with these would involve suggesting changes which this Government are not invited to discuss. It seems to the Governor in Council that the difficulties and defects inherent in the scheme are quite incurable by any mere alteration of the Act or rules. The utmost that changes so restricted could do would be to oil the wheels of the constitutional machinery ; they could have no effect on the general and permanent tendencies of the constitution itself. But, in fact, the Governor in Council is unable to discover that, if the structure of the constitution is to be maintained, there is any need or room for revision of the Act and rules in matters of detail. The only criticisms which have reached him are those of the late Minister of

Education. He has constantly complained, in office, and since his resignation, that the Finance department should not be under the control of a Member of the Executive Council and therefore a reserved subject, in so far as it is a subject at all. This complaint has hitherto never been made by any other member of the Government, nor is the implication a just one. The Finance department has no power to overrule a Minister and has never attempted to do so ; and the present Minister for Education when presenting the budget of his department last March, bore testimony to the efforts of the Finance department to provide funds for his department. In an article recently contributed to the *Times of India* the same critic has alleged—

(*a*) that the rules of executive business in this province " constitute an infringement of the rights that should be possessed by Minister ;"

(*b*) that the rules made under the Government of India Act do not carry out the recommendations of the Joint Parliamentary Committee regarding the joint responsibility of Ministers ;

(*c*) that the joint deliberation enjoined by the same Committee has not been encouraged ; and

(*d*) that the rules on questions affecting the services are not entirely in conformity with the Act.

As to the first of these criticisms, the writer has given no details, and it is impossible to say which of the rules he had in view. His Excellency the Governor desires, therefore, merely to observe that he does not believe that any of these rules are open to the charge of infringing the rights of Ministers. No complaint on this score has been made to him by any Minister, past or present. As to the second complaint, even in England the joint responsibility of the Cabinet does not extend to all the acts of all the Ministers composing it ; and in India, where Ministers are not always drawn from a single well-organised party, the ties between them cannot be as close as they are in England. But it rests in the main with Ministers themselves to determine how far joint responsibility is to be carried. Pandit Jagat Narayan, the late Minister for Local Self-Government, carried it to the point of resigning over a question with which he had no direct concern ; but to insist that the resignation of one Minister must always entail that of his colleague or colleagues might often, in the conditions at present obtaining, make it impossible to form a ministry. The third complaint relates rather to the way in which a rule has been administered than to the rule itself, and His Excellency the Governor wishes only to say that, since he assumed office, there has in fact been joint deliberation on all matters, in which both sides of the Government were concerned. To the Governnor is committed the difficult task of keeping the two halves of the Government in touch. No Governor is likely to neglect to take such opportunities as he thinks wise to secure that end ; and no Governor could possibly work the constitution if his discretion in the matter were to be fettered with rules. As regards the fourth point, the critic has not attempted to specify the rules which are not in conformity with the Act, and in any case these particular rules have been reserved by the Government of India for separate consideration in connection with the report of the Lee Commission.

14. Otherwise, so far as the Governor in Council is aware, the criticisms of Indian politicians have been directed, not against the details of the Act or rules, but against those fundamental provisions which limit the powers of the legislature. The objects of attack, whether in the Legislative Council, the press, or on public platforms, have been the reservation of certain subjects, the control exercised by the Secretary of State over the all-India services, and the powers of certification, restoration, and veto vested in the Governor; and the demand is for the abrogation of these features of the constitution, and the transfer of complete control over all branches of the administration to Ministers responsible to the Legislature. On this point there is no difference between the Swarajists and the Liberals. The Liberal spokesmen, such as Mr. Sastri, are emphatic in repudiating as entirely unsatisfactory any concessions which stop short of provincial autonomy; and the local Liberal newspaper denounces the futility of "tinkering." And in any case, whether these declarations be taken at their face value or not, further control is the objective of all parties and all sections of articulate Indian opinion.

15. The issue, therefore, narrows itself down to this—how far is it possible, consistently with the structure, policy, and aims of the Government of India Act, to extend the control of the legislature? The Governor in Council does not propose to discuss the demand for provincial autonomy. That demand is plainly excluded, so far as the present enquiry is concerned, by the terms of reference laid down in the Home department letter. The structure of the present constitution is dyarchical. Dyarchy is not an accidental feature, but the very essence of the policy deliberately embodied in the Act, and the rules made thereunder; and unless therefore that policy is to be abandoned, a Governor in Council and Ministers must be retained. Further, the Governor in Council, if the constitution is to be maintained must administer a substantial portion of the public business of the State; it would be possible under the Act to transfer all subjects except "European Vagrancy", but this could not be done consistently with its structure and policy. Moreover, he must also retain the means of discharging his responsibilities, that is the powers of certification, restoration, and veto: because if these powers were withdrawn, control of the reserved subjects would pass entirely out of the hands of Parliament into those of the local legislature. The Governor and the Members of his Council would be irremoveable, but the administration of the departments entrusted to them would be as completely subject to the wishes of the legislature as that of the transferred departments. In all but name the reserved subjects would become transferred subjects. If colonial history conveys any lessons, acute and embittered deadlock must speedily ensue.

16. The field of enquiry being thus limited, there seems to be only one way in which the powers of the legislature could be enlarged namely, by the transfer of further subjects. The Government of India have, indeed, suggested as another possibility, action under section 19A. The Governor in Council presumes that the suggestion is that the Secretary of State should by rules under that section divest himself of his powers of superintendence, direction and control over reserved subjects in respect of all matters, on

which the Governor in Council and the Legislative Council are in agreement; and that by an amendment of the Act [since section 45A (3) relates only to transferred subjects] the Government of India should similarly divest themselves of the powers of control now exercised by them. The Governor in Council cannot too strongly emphasise his opposition to this course. He believes that divestment (which of course must be clearly distinguished from delegation) would be constitutionally unsound, and indeed that the full implications of section 19A, in so far as it enables this step to be taken, were possibly not foreseen or intended. At all events a similar proposal put forward by the Crewe Committee with regard to central subjects was rejected by the Joint Parliamentary Committee for reasons which are as conclusive to-day as they were four years ago. Every Government, which is not a military autocracy must be responsible to some authority, whether that authority be the people as a whole, or some dominant class or section. The Governor in Council is responsible at present to Parliament, and the control of Parliament is enforced by the Secretary of State, and the Government of India, who are the agents of Parliament. As already shown, the influence of the legislature on the administration of the reserved subjects is very substantial; but influence, however far it may extend, is not control; control rests ultimately with Parliament; and the Governor is armed with powers, which enable him, in the last resort, to give effect to its wishes. In so far as the Secretary of State and the Government of India were divested of the authority now exercised by them, this would cease to be the position; and to that extent the Governor in Council would no longer be responsible to Parliament. Legally, the place in the constitution thus vacated by Parliament would remain unfilled; in deciding to accept the views of the legislature, the Governor in Council would be responsible only to his own conscience. In practice, however, his authority would be completely undermined; for to the wishes of the legislature he could oppose only his own personal opinions. A situation of this kind could have only one outcome; the control now wielded by Parliament would pass to the local legislature. But this control would have no legal sanction; and the Council would have no clearly defined responsibility. It may or may not be desirable that wider powers should be conferred on the Legislative Council, but this particular method has all the disadvantages and none of the advantages of a formal transfer.

17. There remains then for consideration the question whether further subjects should be transferred. The principal subjects not already transferred in these provinces are:—

(1) Justice;

(2) Police;

(3) Jails;

(4) Land Revenue;

(5) Irrigation

(6) Forests;

(7) The industrial matters specified in item 26 of the list of provincial subjects, *i.e.*, factories, settlement of labour disputes, etc.

With these are closely associated a number of minor items such as criminal tribes Law Reports, Stamps, and items 33, 34, 35 and 38.

18. That the first three of these subjects must, so long as the structure of the Act is preserved, continue to be administered by the Governor in Council, needs no argument. The maintenance of law and order is the primary function of all Governments, and, apart from protection against external aggression, it was for a long time almost the only duty which they attempted to carry out. In modern times the range of the State's activities has been greatly extended, but all its other operations are dependent upon and presuppose the preservation of peace and good order. The capacity to maintain such order is the final test of a Government, and the responsibility for this function is the last which any Government responsible to the British people can surrender.

19. The objections to the transfer of the other reserved subjects are less vital. Nevertheless they are grave and weighty, and after the most careful examination of this question in all its aspects, the Governor in Council has come to the conclusion that the present classification ought to be maintained until the statutory commission for which provision is made in section 84 A has made a judicial review of the entire situation and submitted its report. His reasons are as follows :—

(1) The transfer of all these subjects would not satisfy any section of Indian politicians. On this point the repeated declarations of prominent Liberals leave no room for doubt. The opposition to the present constitution would be in no way weakened; on the contrary, it would be strengthened in the measure of the success achieved ; whilst the capacity of the Government to resist further concessions would be correspondingly diminished. The pace of India's advance towards self-government would in fact tend to be determined by the pressure exercised by a section of popular opinion, rather than by the judgment of Parliament arrived at on the basis of the considerations set forth in the preamble to the Statute of 1919.

(2) The transfer of Land Revenue, whilst acceptable to advanced opinion, would not be welcomed by the landlords. The landlords fear (and not without reason) that at the next election the tenants will have a majority in the legislature, and that little regard will be paid to their interests or just claims in the legislation which will be introduced. The Governor in Council hopes that it will be possible to pass, during the duration of the present Council, a measure revising the present Agra Tenancy Act, which will do justice to both landlords and tenants ; but no such enactment would prevent the passing of fresh and revolutionary legislation in a subsequent Council. The enforcement of such legislation, which would be certain to provoke violent opposition, would devolve upon the Governor in Council, who would have had no voice in the framing of its provisions. The landlords have been a steadying influence in this province ; they have filled a large part in its economic and political life; and their disappearance or impoverishment would gravely impair those forces upon which the stability of the country depends.

(3) The Royal Commission on the Superior Public Services have accepted the principle that the transfer of a subject carries with it the power to determine the future constitution and composition of the service which administers it. If this principle is accepted, as it seems inevitable that it should be, the transfer of Land Revenue would involve the elimination, before many years had passed, of the Indian Civil Service, or at any rate of by far the greater part thereof. The separation of the judicial and executive agencies is not likely to be long delayed, and if in addition the administration of Land Revenue is made over to a provincially recruited service, as it certainly would be, the cadre of the Indian Civil Service would be reduced to a small fraction of its present strength. Believing as he does, that a substantial European element in the public services is and will for long be as necessary as it ever has been, the Governor in Council is convinced that the consequences of this reduction would be disastrous for the welfare of the country.

4) The Irrigation department, as a glance at its Manual will show, is intimately connected with the revenue administration. The principles on which water is distributed, the regulation of outlets, the classification of soils as wet or dry, the collection of rates, are all matters which are the joint concern of the two departments; and a division of control would impair efficiency and entail much friction.

(5) The Legislative Council have hitherto shown little appreciation of the immense importance of the State forests. The rivers of these provinces take their rise in the Kumaun hills, and the destruction of the Kumaun forests would endanger the headworks of the great canal systems. Nevertheless, there is little doubt that the Council, if the decision rested with it, would take away the Kumaun forests from the Forest department, and hand them over to local bodies, under whose management their disappearance would not be long delayed. In a Council dominated by representatives of the tenants the interests of the plains forests would also suffer. Forests cannot be preserved if grazing is not restricted within narrow limits, but such restriction is resented by the neighbouring tenantry, and would have small chance of being enforced under popular control.

(6) Item no. 26 includes a number of matters, which at first sight appear to be eminently suitable for transfer. All of these, however, closely concern industrial factories; and the Governor in Council thinks that it would not be in the interests of industrial development to remove them from the list of reserved subjects. It is important, if the mobility of capital and labour is to be promoted, that in general the regulation of factories should be on uniform lines throughout India, and this would not be possible if factories became a transferred subject.

Provincial legislation might continue to require the previous sanction of the Governor General, but in practice it would be difficult to prevent the local legislature from making extensive alterations in the existing laws.

(7) The working of the transferred departments has already been described. When every allowance has been made for the difficulties attending their administration, it cannot be said that their record during the last three years indicates that the time has yet come for adding largely to the list. On the financial side, in particular, the results of further transfers are likely to be extremely serious. The present Council would undoubtedly, if the final decision rested with them, pass an Act, which would greatly lower the percentage of the assets from land reserved for the State, and convert the present temporary into permanent settlements. It has repeatedly sought to reduce the irrigation rates, although these are well below the rates levied in the Punjab and amount only to a small fraction of the value of the produce. And for reasons already mentioned the revenue from forests would rapidly decline. In the existing situation such consequences cannot be contemplated without grave concern.

20. The conclusion of the Governor in Council on this whole enquiry may be summed up in the statement, that there is no half-way house between the present and a new constitution. On the demand for the latter he expresses no opinion; it is outside the scope of the present enquiry. The Governor in Council is of course unaware of the views of other local Governments. He wishes to say nothing that could be interpreted as implying that the difficulties in the case of the United Provinces are greater than elsewhere. But he is clear that concessions which fall short of complete provincial autonomy will placate no section of the opponents of the existing system; that they will secure neither stability nor contentment; and that they will lower the efficiency, already impaired, of the administration.

## APPENDIX I.

## Note by the Hon. Raja of Mahmudabad, Home Member, United Provinces Government, on the question of further Reforms over the Government of India Act, 1919.

THE announcement of August 20, 1917, was hailed with great acclamation by all thinking persons irrespective of conflicting creeds as it was considered a great step forward towards the long-cherished ideal of self-government. The Scheme of Reforms introduced as a result of the announcement was rejected by the advanced section of the politicians as it did not fulfil their legitimate aspirations. Another set of politicians known as Moderates accepted the scheme as it stood and set to work it out but were equally disappointed in the long run.

It was the intention of the framers of the Reforms Scheme while recommending the adoption of the dual system that the executive should cultivate the habit of associated deliberations and present a united front to the outside world. It was simply paradoxical inasmuch as the Government were divided in effect into two committees with different responsibilities and accountable to different authorities. Such complete dualism as was apprehended led to hopeless frictions. The system of diarchy was in practice put to different test by different provincial administrations. In some provinces the system of deliberating as a whole by the two parts of Government was started but could not achieve success because of the inherent defects in the very scheme of dualism. Those provinces which followed the scheme of deliberating in parts by having meetings of transferred and reserved subjects separately could not fare any better because two different systems in one Government can never be practical. The fact that Ministers were required to defend the decisions of the entire Government on the one hand and to feel responsibility for conforming to the wishes of their constituents on the other placed them in a very precarious position as these two forces must pull different ways.

To make their own position secure they had sometimes to look to the wishes of their constituents, leaving the responsibility of defending the reserved subjects in the Legislative Council to the Members of the Executive Council alone.

In spite of the fact that unlike the Ministers the Members of the Executive Council are mainly responsible to the Government, they cannot do without the Legislative Council. Some of their responsibilities to the Government are of such an unpleasant nature that no Member of the Executive Council can claim to enjoy the confidence of the legislature. In the United Provinces fortunately we had no serious situation to encounter so far as the relations of the Members of the Executive Council to the legislature are concerned because the Indian Member of the Executive Council and the Ministers represent landholders who command a majority in the Legislative Council; otherwise, like the Central Provinces, the result would have been a deadlock. In the Province of Bengal they adopted different tactics from those of the Central Provinces because of the presence of better educated members of the legislature and the advanced conditions of that part of India.

At present the majority of the intelligentsia have been earnestly thinking of changing the present methods of administration by exposing all the disadvantages of the Scheme of Reforms. The appointment of a statutory commission ten years after the introduction of the Scheme of Reforms is not likely to remove the disquiet from the minds of those who are agitating for further Reforms. It will, therefore, have to be decided whether Government should shut their eyes to the present discontent till the prescribed period is over or take up the question at once, especially when flagrant defects have already been experienced in the administrative machinery. It will, I am sure, be a mistake to wait any longer and not to set the Government machinery right at once with a view to satisfy the people and secure a better method of administration in the interest of Government as well as of the people.

On the strength of the above arguments I am convinced that the Government of India Act will have to be amended ultimately. I should, therefore, like to submit a scheme of changes to be introduced in the United Provinces.

I would leave the question of the franchise for the local self-governing bodies to be discussed separately. But in discussing the electorates for the Legislative Council I am strongly of opinion that some other qualifications for voters as well as candidates should be added to the present ones. Under the present franchise the tenants form an overwhelming majority against other interests, with the result that neither Labour nor other important interests can expect to be looked after by these electorates. With a view to attain this objective literacy and an element of Labour should be added to the present qualifications. An objection may be taken to the introduction of new qualifications because they will increase the size of non-Muhammadan electorates in comparison with those of Moslems. I would, therefore, personaally prefer to have mixed electorates but would reserve seats for Muhammadans. I may here be allowed to say that I was one of those who were responsible for the Hindu Moslem Compact, but being at present a Member of the Government I would leave the decision of the question of proportion as also the settlement of any other method for safeguarding the interest of minorities to the Hindus and Muhammadans themselves in consultation with different communities in the country.

I am not opposed to the continuation of the salaries of the present members of the Imperial Services as non-votable provided the recruitment in Europe is at once stopped.

Diarchy should go and the Government in future should consist of Ministers only. All departments should be transferred with the exception of the Political Department which may be left in the hands of the Governor himself with power to entrust to any Member of his Cabinet. In view of the fact that the work of the Government is very heavy, I am of opinion that there should be seven or at least five Ministers, one or two of whom should be nominated by the Governor from amongst the members of the Civil Service. The remaining Ministers should be selected by the Governor from amongst the elected members of the Legislative Council. Thus we shall have altogether seven or five Ministers directly responsible to the Legislative Council. To safeguard the interests of the departments under the European Minister or Ministers it should be clearly provided in the law that if the nominated Minister or Ministers tender their

resignation on certain political grounds, such as non-confidence of the Council or any other similar political reason, the whole Ministry will have to resign. In the same way if Indian Ministers of the Cabinet who will continue to be chosen by the Governor from amongst the elected members of the legislature, tender their resignation, the European nominated Minister or Ministers will have to follow them provided the Governor does not advise them otherwise. Thus the position of European Ministers of the Cabinet will be quite secure.

The power of certification and veto should stand as it is at present, as I am sure it will rarely be used in future. In certain countries these emergency powers have been allowed to be exercised by the Head of the Government with further safeguards. But I do not see any reason to do so. If, however, any form of safeguard is required to be incorporated into the body of the constitution I would suggest that the Governor, under the advice of the Ministers of his Cabinet, may appoint a body of most senior and experienced politicians, whose number should not exceed seven, to advise the Governor with regard to the exercise of emergency powers under such serious and grave circumstances when Ministers declare their inability to carry the legislature or the outside public with them.

The other safeguard discussed by the framers of the Scheme of Reforms was the creation of a Second Chamber. I am now convinced of the necessity of having a Second Chamber on the lines of the French Senate or the Second Chamber of the United States of America so that the Governor in Council should not be put to frequent inconvenience by being asked to certify against or veto the decision of the popular element. Experience has made it clear that such needs often do arise and Ministers as well as Members of the Executive Council always hesitate to advise the Governor to exercise emergency powers against popular feelings. I may further add that anything on the lines of the present Council of State will become a dead letter as it will carry no weight.

The United Provinces should be classed as a first class province and every concession with regard to the control of the Government of India enjoyed by major Provinces should be allowed to this Government.

The above would have been my provisional scheme for substantial changes had the Government of India contemplated the amendment of the Act. But the scope of enquiry prescribed by the Government of India in this reference to local Governments is too narrow to admit of any sweeping changes. I have, therefore, to confine myself to the Government of India Act as it stands, though I honestly believe that no substantial change and real remedy can be recommended to remove the existing defects without amending the Act. I would, however, suggest the following changes as palliatives :—

The departments transferred in these provinces are so unwieldy as to render it impossible for the two Ministers to carry on the work efficiently if they really mean to have effective control over all the departments under them. I am, therefore, strongly of opinion that the creation of a third Ministership is urgently needed. Objection might be taken to this suggestion of mine on the ground of increased cost; but I do not see any difficulty in securing a third Minister without increasing any expenditure over that fixed at the time of the introduction of the Scheme of Reforms. The first two Ministers in 1923 agreed to reduce their salaries from five thousand to four, and the spresent

Ministers agreed to cut it down further to three. If the original pay allowed to the two Ministers under the Scheme of Reforms is distributed amongst three it will actually be in excess of what the present Ministers have agreed to receive, and no patriotic Indian who might care to accept office would mind the reduction in the least.

The United Provinces have been allowed only two Members to form the Executive Council. They cannot carry on efficiently the work of so many departments under them. The Finance Member besides being in charge of a number of unwieldy departments is the Leader of the House and cannot be expected to discharge all the functions satisfactorily without impairing his health. The other Member is in charge of such unpopular subjects as Law and Order. He has got to defend himself and the Government in the Council and outside in addition to his other duties. Hence in my opinion there is a very strong reason to increase the number of the Members of the Executive Council from two to four. Besides other considerations of vital importance there is a political reason to justify the suggested increase. A single Indian Member in the Executive Council cannot impress on the Governor and his colleague the necessity of accepting his opinion so strongly as he would in the presence of another Indian Member. At present the single Indian Member of the Executive Council remains in the minority and he feels the necessity of being supported by another Member whenever he has to convince the Governor in Council of his opinion not as an individual but as one representing the feelings of his country. His note of dissent for all practical purposes is a useless document because it is the opinion of one Member against two. The addition of two to the present strength will not affect the Government so far as the majority of votes is concerned. The Governor, under the recommendations I am making, will have the majority of two European Members in case the Indian Members differ. But if the two Indians put up any question for the consideration of the Government their unanimous opinion will carry more weight than the opinion of only one Indian Member. The last but not the least important reason for the above demand is the feeling in these provinces over the invidious distinction made between the Presidencies and the United Provinces.

If my scheme for the increase in the number of Members of the Executive Council is not accepted, I would suggest the transfer of the following provincial subjects and an addition of two Ministers to the present strength :—

(1) Water-supplies, irrigation and canals, drainage and embankments, water storage and water power; subject to legislation by the Indian legislature with regard to matters of inter-provincial concern or affecting the relations of a province with any other territory.

(2) Forest, including preservation of game therein; subject to legislation by the Indian legislature as regards disforestation of reserved forests.

(3) Development of mineral resources which are Government property; subject to rules made or sanctioned by the Secretary of State, but not including the regulation of mines.

(4) Industrial matters included under the following heads, namely ;

(*a*) factories ;

(*b*) settlement of labour disputes ;

(*c*) electricity ;

(*d*) boilers ;

(*e*) smoke nuisances ; and

(*g*) welfare of labour, including provident funds, industrial insurance (general health and accident), and housing ;

subject as to heads (*a*), (*b*), (*c*), (*d*) and (*g*) to legislation by the Indian legislature.

(5) Control of newspapers, books, and printing presses ; subject to legislation by the Indian legislature.

There has been a strong agitation in the press as well as on the platform that the United Provinces, like the three Presidencies, should be allowed the privilege of recruiting the Head of the Government direct from England. They base their claim on the fact that the United Provinces are not inferior to any of them in area, population, educational institutions (two of them being of all-India character) and political awakening. The force of their argument is hard to resist. Besides, the Governor of the United Provinces has been placed in the constitution on an equal footing with that of Bengal, Bombay and Madras in the matter of salary but has not been allowed all the other privileges enjoyed by them. He is required to discharge as many social and political functions as the others, yet he has been allowed neither a Military Secretary nor a Body Guard. The increase in cost caused by the salary of the Military Secretary should not be a consideration against this important proposal. If the reason for the denial of all these privileges were the fact that the Presidencies get their Governors direct from England then it comes to this that the people of these provinces who are anxious to be put on an equal footing with those of the Presidencies must condemn, once for all, the method of recruiting the Governor from amongst the members of the Civil Service for which no one but the framers of the Reforms scheme who were responsible for this invidious distinction can be held accountable. Whatever may be decided in regard to the recruitment of the Governor direct from England I am strongly of opinion that all other distinctions should at once be removed.

The term of the Legislative Council and consequently of Ministers has been fixed for three years while the Governor with his Executive Councillors is appointed for five. This discrepancy in the two halves of the Government and the legislature has resulted in serious drawbacks. In order to secure harmony and pursue the same policy consistently during the term of the office of the Governor I am of opinion that the term of the Legislative Council should be extended to five years.

The rules framed under the Government of India Act provide that if any person is convicted of an offence under Chapter IX-A of the Penal Code punishable with imprisonment for a term exceeding six months he is disqualified from

being registered in the electoral roll for a period of five years from the date of conviction. This has worked hard by depriving those who have suffered imprisonment for their convictions. There is no justification in placing political misdemeanour on the same level as moral turpitude. The rules should, therefore, be so amended as to admit the names of political misdemeanants to the electoral roll.

I have already stated that it will be a mistake to wait any further with regard to putting the Government machinery right. I would once more insist with all the force at my command that nothing short of amending the present Act will satisfy the aspirations of people of all shades of opinion.

MUHAMMAD ALI MUHAMMAD KHAN,
*Home Member, United Provinces.*

## APPENDIX II.

*Views of the Ministers referred to in paragraph 1.*

WE are of opinion that no advance is possible in the Central Government without amending the constitution. We consider such an advance essential for the realisation of self-government within a reasonable period of time. The present system of an irremovable Executive, face to face with a legislature containing a majority of elected members, should be modified in the light of experience hitherto gained. We ourselves have no personal experience of the working of the Government of India, and are therefore not in a position to offer any criticisms or suggestions based on such experience. But we think that the time has come when a step forward must be taken and a large degree of responsibility should be handed over to Ministers responsible to the Indian legislature. We realise that to the extent to which some subjects will be in the charge of Ministers responsible to the legislature while others will be in charge of Members who are responsible to the Secretary of State and to Parliament we are recommending some form of dualism in the Executive of the Government of India. We are conscious of the defects of such an arrangement, but we see no other practical alternative and must regard it as an inevitable stage on the road to full responsibility.

2. We now turn to the provincial field. Here we speak with first-hand knowledge of the working of the constitution. We are of opinion that in these provinces the system of dyarchy should be brought to an end and full provincial autonomy conceded. We base our conclusions partly on the extreme difficulties of working the system and partly on the results so far achieved in spite of an admittedly defective constitution. We have criticised the system of dyarchy from the point of view of its practical working and not from the standpoint of theory.

3. We find that in the provinces subjects are divided into " Reserved " and " Transferred "; but in relation to the legislature the only difference is that in the one case the Governor has the power of certification and can override the wishes of the Legislative Council, while in the other he cannot do so. But until the stage, when the power of veto or certification can be exercised, is reached, the " Reserved " half of Government has to deal with the Council much in the same way as the Ministers. A legislative measure or a vote of supply has to go through the same process, whether the subject is " Reserved " or " Transferred ". But there is no provision made, except in the power of certification given to the Governor, to secure that the " Reserved " half of Government can get its measures through the legislature and to secure the supplies it wants. It is left to its own devices to secure a working majority. In order therefore that the system should work without constant deadlocks, the " Reserved " half must ordinarily secure the support of a majority in the Legislative Council. To do so it must adopt either the method of personal influence or it must rely on the loyalty and support of Ministers who command a majority of votes. The position of Ministers in connection with the " Reserved " departments becomes most unenviable, especially when they try to give their loyal support to their colleagues in the " Reserved " departments. It is only natural that the Ministers before they can give their actual support should ask to have some voice in determining the policy which they and their party will have to support in the

Legislative Council. The Joint Parliamentary Committee in dealing with clause 6 of the Government of India Bill remarked as follows :—

"In the debates of the Legislative Council, Members of the Executive Council should act together and Ministers should act together, but Members of the Executive Council and Ministers should not oppose each other by speech or vote ; Members of the Executive Council should not be required to support either by speech or vote proposals of Ministers of which they do not approve, nor should Ministers be required to support by speech or vote proposals of the Executive Council of which they do not approve ; they should be free to speak and vote for each other's proposals when they are in agreement with them."

Suppose the Governor acting with his Council comes to a certain decision in a "Reserved" department without consulting the Ministers ; when such measures would come before the Council and if the Council disagrees with the Government what would be the position of the Ministers ? They cannot vote against the Government as Members of the Government, and the abstention of a Minister may mean the rejection of a measure brought forward by the "Reserved" department, for his abstention is a clear indication to his party that he is not in favour of the proposed measure. It is therefore not possible to observe the practice recommended by the Joint Select Committee without creating a difficult situation between the Legislative Council and the "Reserved" half of Government. If they vote with the Government they will be voting against their own party which is supposed to be in majority in the Council, with the result that they may alienate the sympathies of the members of their own party and as a natural sequence new leaders may arise to lead the Ministerial party in the Council. We have had experience of the Council both in an official and non-official capacity and we know what an uphill task it had been sometimes to persuade the non-official members to agree with some proposals on the "Reserved" side.

4. It may well be asked how with these possibilities for deadlocks it had been possible to work the system with some measure of success. The anwser is that the success in this province has been mainly due to the spirit of compromise and give and take displayed by the landlords who have formed the majority party in the first and the second Legislative Council. It is no exaggeration to state that it is due to them that the constitution has been worked so far without serious breakdown ; but this condition of things cannot be assumed to last for any length of time and we are driven to the conclusion that if deadlocks are to be avoided in future the dual system of government must be replaced by a unitary system under some of the safeguards which we mention below.

5. It is likely that the demand for provincial autonomy will be accompanied by a demand to extend the franchise and to increase the number of elected members of the provincial Council. We are not opposed to such an extension, but we are firmly convinced that the success of the new constitution will depend on the extent to which a proper balance of the various interests involved is maintained. We think that there should be either a Second Chamber or if this is not possible the proportion of landlords representing purely landlord constituencies should be increased from 6 to 15 per cent. We feel that unless increased representation is given a single Chamber in which the landlords are likely to be less and less adequately represented as time goes on may enact measures which may not be in the true interests of the province. We may draw attention to the remarks made in the Montagu-Chelmsford Report about the landlords. It says :—"The natural and acknowledged leaders of the country are the landed aristocrats. They generally represent ancient and well-known

families and their estates are often the result of conquests or grants from some medieval monarch. By position, influence and education, they are fitted to take a leading part in public affairs. Some of them are beginning to do so and our aim must be to call many more of them into the political lists. They are conservative like the *ryot*, but like them they also will learn the need to move with changing times." It is this class that is paying an annual revenue of seven crores to the provincial Exchequer, *i.e.*, more than half the revenue of the whole province. It is this class who stood by the side of the English nation when the very foundation of the British Empire was shaken by the German onslaught. The acid tests whether a nation or a community has or has not the capacity of governing themselves are—

(1) how far they are ready to tax themselves, and

(2) how far they are prepared to give their support strongly without flinching and shaking to law and order when the country is in danger and when there is a likelihood of people breaking the law of the realm.

This Council, as we have said, composed mostly of landlords, has proved full well that it is working as a responsible body. Just after the Reforms, Government asked the vote of the Council for an increase of expenditure under head Police, and the Council agreed. The Oudh Rent Act was brought before the last Council and the zamindars readily gave more rights to their tenantry although they were in such a majority that they could have thrown out the whole Bill if they were so disposed. In 1923 they voted for three Bills of further taxation, *viz.*, the Court Fees Bill, the Stamp Bill and the Motor Vehicles Bill. This year they again voted one Bill, the Stamp Bill. In short, the United Provinces Council has given ample proof of its political foresight. The landlords were in a majority in the last Council and they are so in this, with the result that few provincial Councils have so much useful work to their credit as this Council and still fewer Councils could display such sobriety of mind, moderation and political foresight when political agitation was at its highest pitch. Hitherto landlords have been returned from general constituencies, but it is doubtful how far this could continue in the future, and it is therefore essential to provide for their increased representation from special constituencies.

6. We have also given close attention to the position of minorities, especially the Moslem minority. In 1916 the Congress and the Moslem League made a pact both in regard to the method of representation, the proportion of members and in regard to legislation affecting the interests of a particular minority. The Government of India Act, 1919, while giving effect to the agreement between the Congress and the Moslem League in regard to representation omitted to embody the safeguard in regard to legislation. We consider that that portion of the pact which lays down that if three-fourths of any community would not agree to any proposal concerning that community it should be dropped, should also find a place in the Government of India Act. We feel sure that it will help in the advancement of self-governing institutions in these provinces if the chances of friction between Hindus and Musalmans are reduced to a minimum.

7. If for any reasons it is considered impossible to amend the Act we re-recommend that we should eliminate this evil of dyarchy by transferring as many more subjects as possible to popular control, particularly the more important departments in which the legislature comes into contact with the

Executive. But we are strongly of opinion that such changes will not bring about the desired effect. There should also be a convention established that all matters which are to be brought forward before the Legislative Council should first be discussed at a meeting of Government as a whole. It is only in this way that in our opinion harmony can be maintained between the Legislative Council and the Executive Government.

8. The lifetime of the Council so far has been three years. According to our experience it is a very small period. We must, in any case, whether provincial autonomy is given or not, raise the life of the Council from three to five years. The three-year period is very small. One year is generally spent in understanding the complicated machinery of the Government. In the second year the Minister or the non-official members of the Council try to formulate a policy. But they could never give effect to their policy because from the middle of the third year they are all busy with the coming elections. Besides this, any change in the Government is most unwelcome on the eve of the election, and no Minister would like to take a risky measure when he is about to go to the country for re-election. Therefore we would suggest that at least five years should be the life of one Council.

9. In regard to the services, we are of opinion that the all-India services not operating in the transferred fields should be under the Government of India and not under the Secretary of State.

AHMAD SAID.

*The 20th June, 1924.* RAJESHWAR BALI.

## APPENDIX III.

*Extracts from reviews on municipal administration referred to in paragraph 10.*

[For 1922-23.]

10. *Collections.*—For the most part boards seems to have acquitted themselves fairly satisfactorily of the important duty of collecting their dues. Hapur, which succeeded in realising all dues in full, may be singled out for special commendation; and in Dehra Dun, Muzaffarnagar, Hardwar, Sikandrabad, Mussoorie, Saharanpur, and Bulandshahr over 90 per cent. of the dues were collected. But the year's record was marred by lamentable failure in other towns. Thus in Cawnpore arrears aggregating Rs. 1,47,000 under various heads were outstanding at the close of the year; and in Benares large arrears on account of house and water tax were allowed to accumulate but "the actual amount due," says the Commissioner, "is still unknown, as the registers have not been totalled for many years."

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The Municipalities Act confers ample powers for dealing with defaulters. Whether good use is made of these powers depends ultimately upon the extent to which boards and the individual members thereof watch the progress of collections and insist upon energetic action if arrears accumulate. The Commissioner of Allahabad rightly remarks that inefficiency in collection is a serious weakness and the ability or inability of a board to overcome this defect forms a prominent test of its fitness to manage its affairs.

11. *Expenditure.*—The total municipal expenditure amounted to 154·64 lakhs as against 147·37 in the previous year. It is not possible to state exactly how far this increase is attributable to increased recurring expenditure, for in the form in which accounts are now presented neither recurring expenditure nor recurring income are separated from charges and receipts which will not recur. This is certainly to be regretted; for the financial difficulties under which most boards labour are due not to extravagant capital outlay, but to the tendency of recurring charges to outstrip recurring receipts—a grave matter to which further reference is made in paragraph 16 of this resolution.

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12. *Water-supply.*—The project for reorganising the Lucknow water-supply made steady progress and that portion of the scheme which the board feels able to finance will soon be completed. Unfortunately, owing to an enormous advance of construction costs, important parts of the scheme have been postponed indefinitely, including the extension of the area of supply and re-arrangement of the distribution system so as to permit of the control of the supply upon modern lines. The net result is simply to increase the capacity of the pumping plant. There will be more water for consumption, but the difficult task of preventing waste is made no easier nor is there any prospect of securing much additional revenue. Unless the board makes energetic and persistent efforts to prevent waste, the water-supply will assuredly prove an even more serious drain on the board's funds than has been the case hitherto. Satisfactory progress was made also in Fyzabad and the town will soon be in possession of an organised water-supply—a long-felt need. In Naini Tal the inefficient and expensive steam plant was replaced by electrically-driven

pumps. There the record of progress ends and the very grave deficiencies upon which past resolutions have repeatedly dwelt remained unremedied. The Cawnpore plant, besides being very old and admittedly liable to a calamitous breakdown at any moment, is unequal even to the present demand; persons legally entitled to house connections have been unable to obtain them; the operations of the Improvement Trust have been gravely hampered; the development of the city has been arrested. The stagnation caused by trade depression has masked the gravity of these conditions; but should a revival of trade occur within the next two or three years the premier industrial city of northern India will be unable to take full advantage of its opportunities. A satisfactory reorganisation scheme exists and the difficulties are entirely financial, but the Government still await evidence that the board is determined to face and to solve them. In Allahabad the position is almost as grave; the pumping plant is worn out; and the installation of entirely new machinery is pressing; here again the financial obstacle is the main one; but it must also be added that the proper maintenance of the existing plant and of the filters has been seriously neglected. Benares though possessing some modern pumps delivering water from tube-wells depends for the bulk of its supply upon water pumped from the Ganges by engines which are thirty years old. The city is moreover notorious for a prodigious waste of water which the board had never made any vigorous effort to check. In consequence, the engines are continuously overstrained and there is no reserve of power from which to meet emergencies or by aid of which to arrange for periodical over-hauls of machinery. These old engines could not be expected to function efficiently under any conditions, but thus overdriven their consumption of fuel is enormous and causes a very heavy drain on the municipal fund. The board cannot any longer safely postpone the instalment of new engines, but will not fully discharge its duty to the tax-payer unless by some radical change in the distribution of water it brings the consumption of water under reasonable control. The fitting of meters to all connections suggests itself as an obvious remedy, unfortunately a metered system to be effective demands a degree of unremitting attention for which no board has yet shown capacity in any branch of its administration. The Agra board is fortunate in possessing modern plant and a modern distribution system; and the water-supply could be made entirely satisfactory; but the board has persistently refused to make an economic use of the plant; lower-lying areas receive an unlimited supply, much of which merely runs to waste, while areas on high ground often have to go without. An intelligent use of the high and low pressure zones combined with measures to prevent the waste which goes on in the lower-lying areas would enable the board to give an adequate supply to the higher areas without any addition to the cost of pumping; indeed, it should be possible to obtain an appreciable reduction in the total volume from the pumps. Still Agra probably has a less unsatisfactory water-supply than the other large towns of the province.

Year after year in this resolution stress has been laid upon the deficiencies of municipal water-supplies; but up to the end of the year under review there was no visible sign of any real desire to remove them, and the management of water-supplies reflected very little credit upon the municipal administrations of this province. No greater service could be rendered to their

fellow-citizens by the recently elected boards than to secure efficient and economical working of municipal water-supplies and to place them upon a sound business footing.

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14. *Roads.*—During the last five years the expenditure on roads has grown by about 15 per cent., from 9·21 to 10·62 lakhs, but this increase is not nearly proportionate to the increase in working costs, and much less work is done in the matter of repairs than was done a few years ago. Deterioration was inevitable and in most towns the roads are in very poor condition. Lucknow spent Rs. 47,000 more than in the previous year on maintenance and renewal, and among the smaller towns Lalitpur, Banda, and Orai devoted handsome sums to their roads. On the other hand Cawnpore and Agra cut down their expenditure on roads by Rs. 57,000 and Rs. 35,000 respectively. In the former city the bad state of the roads is notorious. It is to be feared that many boards do not get a fair return even from the inadequate sums which they are prepared to spend. In criticising the municipal roads of his division the Commissioner of Fyzabad attributes their condition not merely to lack of funds and to higher prices but also to bad work done by greedy contractors and condoned by slack overseers. The remark may be true of other divisions.

Money obviously cannot now go as far as it used to go, but it is at any rate within the power of every board to prevent waste and dishonesty, to insist upon good work and generally to see to it that the roads receive the full benefit of whatever sums are spent upon them.

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15. *Audit.*— * * * * * * In Benares a deplorable state of affairs was revealed during the year. A series of embezzlements, the earliest of which occurred many years ago, had been permitted to continue unchecked and was only discovered more or less accidentally upon the death of the chief culprit. The total of the sums thus misappropriated was very large. The utter indifference which the board has displayed towards its accounts is illustrated by its failure to deal with any of the audit reports received by it during the preceding three years, and by its ignorance even of the amounts due to it on account of house and water tax, the registers of which had not been totalled for many years. The board, and more especially the chairman, seem to have entirely forgotten that careful supervision of the administration is their most important function and that vigilant control over accounts is vital to efficiency in every department.

16. *Financial condition.*—The number of indebted municipalities in the province is 28 with a liability of Rs. 122·44 lakhs outstanding against them at the close of the year. Loan instalments aggregating Rs. 1·34 lakhs payable by the Allahabad board were suspended during the year while the Benares municipal board made default in payment of a major portion of the instalment due from it.

The financial embarrassments of the Agra, Cawnpore and Benares municipalities caused such grave concern that it was decided to depute officers to make special enquiries into their finances. The Agra board's position was

found to be less serious than at first sight appeared and the board was able before the close of the year to reduce its deficit balance from Rs. 1,04,061 to Rs. 60,558, and with careful management should have no difficulty in reaching financial equilibrium. Cawnpore and Benares were found to be in more serious plight; but here also the officers conducting the enquiries came to the conclusion that it is by no means beyond the power of these boards to stabilise their finances provided that they keep the need for economy and businesslike methods prominently in view, insist on the full collection of their dues, and adopt certain reasonable measures of retrenchment. These three boards were singled out for special attention, but there are also many other boards, including Allahabad, whose position causes anxiety. The Commissioner of Agra draws attention to the tendency of some boards of his division to budget for expenditure in excess of their income. The Agra division is certainly not exceptional in this respect and the elementary principle that recurring expenditure should be covered by recurring income appears to be falling into increasing neglect. The subject is of very grave importance for, though, as has been explained elsewhere, precise figures of recurring income and expenditure cannot be furnished, there is every reason to fear that the recurring municipal expenditure of the province is not now covered by recurring receipts. In each of the past three years the total expenditure has exceeded the total income by many lakhs. Moreover, the disparity seems to be increasing for while the income of the year under review exceeded that of 1919-20 by 27·00 lakhs, the growth in expenditure during the same period amounted to the huge sum of 47·52 lakhs. Making every allowance for the influence of large capital undertakings, such as the Naini Tal hydro-electric scheme and the reorganisation of the Lucknow water-works, it is difficult to avoid the conclusion that a very appreciable proportion of recurring expenditure has in recent years been met from balances, the rapid depletion of which has been noticed elsewhere in this review. This expedient stands self-condemned and the temporary relief which it has afforded must obviously cease in the very near future. It is an imperative necessity that in every future year all boards should not merely restrict their budgetted recurring expenditure to the sums which can be covered by their recurring receipts, but should also insist on the preservation of a due balance during the course of the year. How such a balance is to be attained will depend upon the individual circumstances of each board but it is useless for any board to appeal to the Government for aid. The Government cannot and will not assist any board to cover any portion of its recurring expenditure. The choice lies between retrenchment and additional taxation; and in many cases the adoption of both of these unpalatable expedients seems likely to be unavoidable.

17. *General.*—The second chapter of municipal history under the Municipalities Act II of 1916, closed in March, 1923. The boards which then left office had been in charge of the destinies of their towns for four years. They have left behind them no record of distinguished achievement. There were no complete failures, and the Government was not forced by the incompetence of any board to resort to its ultimate powers of suspension or dissolution. Here is some cause for satisfaction; but if extreme pessimists have been proved false prophets the standard set for their successors by the outgoing boards might well have been higher. Few boards displayed any grasp of the elements of sound finance, and most have left to their successors financial problems

which will tax their abilities to the utmost. Municipal services were usually rendered in tolerable fashion, but failed everywhere to reach a standard of really businesslike efficiency. Public spirit was not absent, but the promptings of private interest were not always disregarded. It would seem that the true function of a municipal board is not yet widely appreciated and effective supervision of the administration was rare. There was visible a tendency to multiply committees and to hamper the staff by uncalled for interference in matters of detail; yet a low standard of performance was accepted without protests. The weakest link in the chain was sometimes the chairman, who though usually sincerely desirous of the welfare of his town did not always possess the varied armoury of talent and qualities needed for that difficult and onerous position, nor realise that upon him lay the chief responsibility for translating into effective action the policy and the decisions of his board.

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**[For 1921-22.]**

9. *Water-supply.*—As in the past, expenditure and income in connection with the supply of water are far from balancing, and with the solitary exception of Mirzapur, water-works have been run at a loss. There has been some improvement but the water-works of the province are still far from being self-supporting, waste still continues undetected, and as was pointed out in paragraph 17 of last year's review, there is nowhere sufficient adherence to the principle that equal payment should secure equal benefits, nor to the converse that equal benefits should involve equal payments. There is good reason to believe that in most towns those who are charged by measurement pay much more than cost price for their water, while those who have unmetered connections usually pay a great deal less.

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12. *Roads.*—The condition of roads continues to deteriorate and generally speaking the position is most unsatisfactory. Straitened finances provide the explanation and boards show a tendency to economise over the upkeep of communications. Unfortunately economies in the repair and the removal of the surface metalled roads are sure to prove expensive in the end. And boards will be well advised to face the position squarely and to take steps to preserve their roads from ruin, while it is still within their power to do so.

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16. *Financial position.*—With few exceptions, the financial position of the boards can only be described as precarious, and as remarked by the Commissioner of Meerut "the outstanding feature which runs through nearly all the annual reports is the steady depletion of balances and the ever-increasing disparity between income and expenditure." The position is particularly serious in the municipalities of Agra, Benares and Cawnpore which of late have been drifting straight towards bankruptcy. Like every other employer of labour, boards everywhere were hit by higher prices, and the cost of the services rendered by them rose uncontrollably. Unfortunately few boards recognised the danger of their position, and some even committed themselves light-heartedly to new expenditure not covered by any income upon which they could reckon with certainty. The optimistic view is to

regard this period of financial stress as a necessary stage in the education of municipal boards. But they must at least be ready to learn wisdom. Economy and even retrenchment are imperative—economy which is the pruning of all expense which is useless or does not justify the outlay, and retrenchment which is the sacrifice of activities or amenities which though in themselves desirable enough, are not absolutely essential. Neither measure is congenial; both are bound to meet with obstruction from vested interests; and both have been neglected. Instead, many boards have either drifted helplessly or following the line of least resistance have attempted to increase taxation, a remedy which, though it may be inevitable, should not in a period of general depression be employed till the possibilities of economy and retrenchment have been fully explored.

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17. *General.*—The most prominent feature of the year, an increasing difficulty in the balancing of municipal budgets, has already received sufficient attention and it only remains to acknowledge that in part at any rate it provides the explanation of many municipal shortcomings. But the year also revealed certain disquieting symptoms which had no connection with banking accounts. There appeared in more than one town a tendency to the formation of Hindu and Muslim cliques. The growth of definite municipal parties would be welcome; in fact some already appear to be developing, and, it may be hoped, will perform the useful function of arousing and focussing public attention upon municipal administration. Organised municipal parties certainly have before them a wide field of useful effort in stimulating that lively interest and pride in the development and efficiency of municipal institutions which is essential to healthy local self-government. But it is essential that the lines of cleavage between parties should be based on matters directly affecting the prosperity of the town. Antagonism resting on religious differences can be nothing but an obstacle to a good administration, obscuring the true issues and creating an atmosphere of unreason and distrust most prejudicial to business.

In connection with sanitation it has been found necessary to call attention to lack of effective supervision. This defect is also apparent in other branches of municipal administration. The duty of supervising the work of the board's servants devolves particularly on the chairman. The ideal chairman should be conversant with every detail of municipal administration, and, while scrupulous to avoid impairing the authority of his officers by ill-judged interference, should observe and control the activities of every servant of the board. But this supposes a happy combination of energy, patriotism and independent means which a board can very rarely hope to find in its chairman. Yet, if the ideal be rarely attainable, the Governor acting with his Ministers holds emphatically that no member of a board should aspire to the office of chairman who is not prepared to devote a very substantial portion of his time and energy to the service of his town, and he fears that the chairman who considers that his duties begin and end with presiding at meetings of the board and attending to such correspondence as is placed before him is by no means as rare as he should be. The responsibilities of the other members of a board differ in degree but are otherwise similar. They are individually as well as collectively responsible for the purity and efficiency

of the board's administration, nor can any member, when things are going wrong, take refuge in the plea that it was not his particular business. There is nothing novel in these observations: on the contrary they are axiomatic and they are made simply because in more than one municipality recently the chairman and the members collectively and individually failed signally to discharge or even to recognise their responsibilities. The Municipalities Act of 1916 greatly restricted the Government's powers of interference and control and where a board's whole stewardship has been unworthy those powers are now limited to suspension or supersession. Those grave steps were in more than one case seriously suggested to the Government, and were as seriously considered. They were rejected only because it appeared that the boards had in some measure come to recognise their shortcomings and were anxious to make amends. The Governor acting with his Ministers would proceed to extremes with great reluctance. But he owes to the municipal public a duty which ultimately must outweigh all other considerations; and if in any case he considers that the continuance of a board's administration would be a greater evil than the drastic remedy of suspension or supersession, he will not hesitate to relieve the board of its stewardship.

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# PUNJAB.

No. 2585-S.H.—Genl., dated the 13th August 1924.

From—H. D. CRAIK, Esq., C.S.I., I.C.S., Chief Secretary to Government, Punjab,

To—The Secretary to Government of India, Home Department, Simla.

I am desired to refer to your letter No. F. 166-Pub.-1924 of the 8th of April 1924, regarding the enquiry into the working of the reformed constitution, and to enclose for the information of the Government of India twenty copies of a memorandum which embodies the views of His Excellency the Governor in Council on this question.

2. I am also to enclose twenty copies of a note by the Hon'ble Revenue Member of this Government (Sardar Bahadur Sardar Sundar Singh Majithia, C.I.E.), and of two joint notes by the present Minister for Education and the late Minister for Agriculture.

3. I am to express the regret of the Governor in Council at the delay which has occurred in answering your letter. It is due almost entirely to the recent change in the office of Governor.

## Memorandum on the working of the Reforms in the Punjab.

The specific object of the enquiry initiated by the Government of India is to obtain in the first place a clear appreciation of the present position under the Reformed Constitution, in the second, to determine the difficulties arising from or the defects inherent in the working of the constitution. Remedies for such difficulties or defects are, in the first instance at all events, to be sought in such changes as can be effected without fundamental alterations in the policy and purpose of the Government of India Act. The note on the working of the Reforms in the Punjab up to the early part of 1923, forwarded with Mr. Townsend's demi-official letter, dated 22nd October, 1923, which will now be treated as an official document, has already furnished the Government of India with many of the details necessary for the composition of the general picture which it is now desired to present. Events subsequent to the issue of that letter do not render it necessary to modify its general statements of fact in any important respect; but at some points they needed to be supplemented. The new Council contains an element unknown to the old, a representation of the "Swaraj" party. The party itself never secured a wide following in the Punjab; neither its organization nor its resources were equal to those attained in some other provinces, not perhaps had it in a province of peasant proprietors with strong military traditions so easy a field for its enterprise as it found elsewhere. The presence in the Province of one or two prominent leaders of the Congress party is perhaps more responsible for any success attained by the Swaraj section at the polls than the strength of its propaganda or the force of its appeal to the people. These leaders undoubtedly exercised great influence over the lawyer and trading classes, and the combination represented rather a union of those who were opposed to the rural and agricultural interests than a genuine adherence to the tenets of the Congress programme. The Swarajist party in the Punjab is in fact more pro-Hindu than nationalist. This affords an explanation of the fact that the Swarajist successes were mainly confined to the urban electorates, where their opponents, who belonged to the "Moderate" party had no defined platform. It also explains the fact that

even than that which their numbers might have warranted. The party contains only one or two able men; it is prepared to join practically in any votantagonistic to Government, and to that extent has been able to add to its difficulties. But it is not in itself sufficiently numerous, and its inherent antipathy to the predominent 'bloc' in the Council is such that it has not been able to produce incidents similar to those which characterized the recent session of the Central Assembly and some of the Provincial legislatures. Apart from this, the course of the new Council has not been strikingly different from that of its predecessor. It has shown the same pronounced antipathy to supporting, or even indeed considering any project of fresh taxation, except on a limited scale. That attitude was not perhaps entirely unreasonable, however embarrassing it may have proved to those interested in stabilizing the finances of the province. The rural majority realized that they had but a limited scope for imposing taxation in a field which they considered to be at once the most appropriate and most equitable object for their activity, the incomes of their urban opponents; the gap between revenue and expenditure could only be closed by raising occupiers' rates, a measure which would fall entirely on their own community. Even the Salt Tax seemed to them preferable, in that it would effect the urban as well as the rural consumer. Fresh schemes of canalization seemed to promise that the deficit would in a short time disappear without new taxation, and meanwhile they were not without hopes that the Imperial Government would implement its promise to reduce the Provincial contribution; a rural community has an inconvenient trust in the good faith of Government and expects that it will give effect to its declarations. The local Government had no concession which, if it came to a matter of bargaining, could be thrown into the scale on the other side. Following the precepts of the Joint Parliamentary Committee, a bill had been framed for placing on a statutory basis the procedure for assessment of land revenue. It was a question to which the agricultural representatives attached the highest importance. A Committee of the Council had discussed the proposal of Government; it fell much below their expectations, but nevertheless might possibly have been accepted as a compromise. The Central Government, however, was unwilling to endorse the proposals of the local Government, and the Bill has not so far been brought forward. The measure necessary to balance the provincial budget—the raising of the occupiers' rates has now been taken by executive action; but the effect of this step, combined with the confession of the inability of the local Government to put forward a Land Revenue Bill, has been to put some strain on the allegiance of the rural party. It may be that on both points the reaction of feeling is against the Central rather than the local Government, and that its immediate effect is to foster a demand for greater independence of central control; but the feeling of resentment remains, and is apt to affect the vote of Council on questions which are not immediately connected with this particular issue.

This development adds importance to another point on which it is necessary to supplement the history given in the letter of October 1923. When Ministers were first appointed, it was impossible to forecast the lines on which party feeling would range itself in the new Council. Even to-day, the line of demarcation tends on the majority of questions to base itself on the "Swaraj" party in the Council have exercised an influence less marked

communal interests ; at the outset, the obvious and natural course was to select Ministers who would primarily represent the interests of the different communities. Such a method of selection clearly did not afford a promise, still less a guarantee, of that co-ordination of working between Ministers which was desiderated by the Joint Parliamentary Committee. The co-operation of Ministers would indeed inevitably be in inverse ratio to the activity of their championship of communal sentiment. That some measure of co-ordination was attained, was therefore due rather to the exhibition of a spirit of conciliation or concession on the part of one Minister or the other (though party enthusiasts might use a different terminology) than to any identity of policy in the treatment of the transferred subjects. With the emergence of a rural ' bloc ' in the Council, capable at times of subordinating communal distinctions in a common programme, it was possible to consider in the selection of Ministers a principle more strictly in accord with constitutional requirements. The successor to Lala Harkishan Lal, though a Hindu, came into the Council as a supporter of the programme of the agricultural party, and the two Ministers presented therefore a combination which could be said, on most questions, to represent the feelings of the predominant party in the Council. To that extent, the history of the last six months marks a step forward in the evolution of a more regular constitutional position.

It is possible to turn now from a recital of facts to a closer analysis of the position created in the Province by the working of the Reforms Scheme. One of the greatest difficulties which faced the authors of that scheme was the fact that they found India divided into areas at widely differing not only in social and temperamental characteristics, but at markedly different stages of political development. The adoption of a common form of constitutional advance for units so diverse was perhaps an enterprise of Procrustes ; in any event, the reactions obtained by its impact on elements so dissimilar were bound to exhibit striking variations. At the moment at which the Reforms were introduced, the Punjab stood out as an area in which administrative considerations must have appeared to the great mass of the inhabitants to outweigh those connected with political developments. This was not entirely the result of political apathy ; it arose from circumstances connected with the history and inherent in the social constitution of the Province. The memory of the reign of general anarchy which followed the breakdown of the Sikh monarchy was still recent ; there were many areas in which the tradition of lawlessness and violent crime was a persistent fact. The administration, not yet freed entirely from these problems, had for many years also been pre-occupied in questions arising from the assessment of land revenue, so vital to the contentment of a community of small peasant proprietors inhabiting an area marked by uncertain or unfavourable climatic conditions. During the two decades preceding the Reforms, a new problem and fresh interest had been added in the development of those great schemes of irrigation which have gone far to transform the physical aspects of the Province. Their effect has not been limited to external changes, nor to the amelioration of the material conditions of the people. Great as these have been ; far reaching as has been their effect in securing the Province from the recurrence of those periods of scarcity which were so insistent a feature of the history of the last century, the psychological effect has been equally marked. There has been

a general elevation of the standard of living, a quickening of consciousness among the agricultural classes, an enquiry among the trading classes for new outlets for the investment of their realized resources. It is not necessary here to enlarge the picture or to emphasize its details; but the general result of these changes is of importance in its bearing on the situation to which the Reforms Scheme had to adapt itself. On the one hand, our rapid material developments concentrated attention on purely executive measures, and on the capacity of the administration for initiating fresh schemes of improvement, to an extent which would not perhaps be understood or appreciated in provinces differently circumstanced. The concrete results to be achieved by the administration were inevitably of far greater moment than its political complexion. On the other hand, these developments were by no means without reactions of a political character, and in two directions. The sentiments of apprehension and even hostility entertained by agriculturalists generally against the monied and urban interests, long inchoate and lacking in organized expression, had received recognition and gained direction by the passing of the Land Alienation Act. In proportion as the material security of the agriculturists increased, and their class consciousness was quickened, that Act became at once a rallying point and a fixed article of faith with them; indeed the economic effects of its cancellation are perhaps less canvassed by its supporters than the fact that this step has long been an object of desire to the money-lending and lawyer classes. If the basis of politics, or at least of political parties, is the organization of prejudices and interests, we had here, even before the days of the Reforms Scheme, the makings of a division which possessed both force and reality. There had been a second result in the political sphere. In an Eastern country, as perhaps in mediæval Europe, the first results of a widespread change in the conditions of life, and its resultant disturbance of a static mentality, is to intensify thought on religious or communal lines. In certain states of society, religion engrosses the outlook on life. It followed therefore on the natural order of events, that there should be among the Muhammadans of the Punjab, and later among the Sikhs, an awakening to their claims as communities, and a more forcible assertion of their position. A quarter of a century ago, the local Government had been obliged to take cognizance of the unimportant part borne by Muslims in the public services of a province which was predominantly Muhammadan. To this extent, it had already anticipated the articulate opinion of that community; but as time passed, these feelings achieved full expression, and passed from the administrative to the political sphere. Such political organization as the Punjab possessed, and its chief organs in journalism, were mainly in the hands of the Hindu minority; but even before the Reforms Scheme, the Muhammadan majority had begun to invade their sphere of influence. The Punjab Muhammadans, like those of Bengal, found themselves committed by the Lucknow compact to accept somewhat less than their numerical proportion of representation; it was nevertheless clear, even before they attained the power which the new Franchise gave them, that they were not content to accept Hindu leadership, and would insist on a fuller recognition of their claims in every sphere.

Such then was the situation at the inception of the Reforms. An executive absorbed by pressing administrative problems, vital to the development and progress of he Province; a population of which the mass was more

interested in the solution of these problems than in political development, but with a growing tendency to open cleavage on communal or occupational lines. It is clear that some portion of the Hindu political element welcomed the Reforms Scheme as likely to afford them an opportunity of confirming a position gained by superior education and capacity in the use of political methods, before the other communities could advance to a position in politics commensurate with their numbers and their stake in the life of the Province. It is doubtful if the Muhammadans at large or the agricultural community were yet entirely aware of the opportunities which the ballot box would give them for developing their own interests. Certainly the authors of the scheme cannot have foreseen the speed with which its working would drive the two main communities into open dissension, and would develop a declared antagonism between the urban and the rural interests. It is unnecessary for the moment to consider the ultimate objective of the Reforms Scheme; the immediate aim of the transitional constitution was to arouse political consciousness by constituting an electorate, and to train that electorate and its representatives in responsibility by giving it some measure of control over the executive in all subjects, with a more or less complete control in certain defined departments of Government. How far does the history of the last three-and-a-half years indicate that this object has been achieved? Or, to put the problem in a manner less compromising to what at this stage is frankly an experiment in political education; how far does it indicate that the ideal is in process of achievement? It is perhaps common-place to remark—for it is an observation which applies to all provinces alike—that no decisive, and perhaps even no really just deductions could be drawn from an experiment conducted in circumstances so adverse to its success. It is not necessary for the present purpose to include among these circumstances the effects of the Punjab disturbances of 1919: their influence was perhaps more noticeable on political India at large than on the specific developments of the Punjab. But the general disturbance of political atmosphere following on the non-co-operation movement affected the Punjab even though the main storm centre was without; the intensifying of communal feeling was not allayed by the course of the *Shuddhi* and *Sangathan* campaign in a neighbouring province; and the financial stringency which followed the attempt to meet economic conditions consequent on the war, while it restricted the opportunities of Ministers and reduced their influence with their followers, had an even more serious effect on the general attitude of the Council towards Government measures. In any estimate of the position, allowance must be made for the influence of these factors. But considerable as they may have been in their effect on the appearance of success or failure attending the initial working of the scheme, it is more important to estimate the existence of those basic factors on which its ultimate success must depend. We have not as yet evidence of the existence of a thinking and selective electorate in the Punjab, capable of exercising its vote on considerations of policy. Voters, already restricted in their choice by the existence of the communal system, tend to exercise their votes largely on personal lines. The figures do not argue any undue apathy on the part of the electors: in the election of 1920 the percentage of electors voting was low (32 per cent.) owing to the prevalence of non-co-operation doctrines, but in the recent general election 49 per cent. of the electors recorded their votes. There is, however, little evidence of the maintenance of that

close touch between representatives and electors which constitutes the vitality of a representative system. The Election address is practically unknown ; the constituency judges of the personality rather than the programme of the candidate. The representative seldom if ever addresses his electors or canvasses their view on any project of legislation before the Council. He knows that they will be behind him on communal or on sectional issues ; and this fact seems to satisfy the requirements of the situation. More important perhaps (because it is in this sphere that we should expect to see indications of a more rapid development) is the question of the degree to which the Council itself has shown signs of exercising responsible judgment. Reference has already been made to its inability to convince itself of the necessity of balancing the provincial budget ; it will be admitted that the circumstances offer some excuse for refusing to regard this as an exhibition of unqualified irresponsibility. There are, however, other cases which merit a less lenient judgment. The Punjab Gurdwara Bill was introduced by the Education Minister ; it related to a subject for which he had little real responsibility, but it was technically in his charge. It came forward at a time when acute Hindu-Muhammadan tension made the Minister's Hindu opponents anxious to secure Sikh support against Muslims, and they were prepared with this object to support the Sikh objections to the Bill, right or wrong. The Bill was passed in the teeth of their opposition, and mainly for that reason became useless as a practical measure. The Hindu-Sikh alliance, which is still a feature of Punjab politics, is a persistent obstacle in the way of Gurdwara legislation. Again, the career of the Council as a responsible legislature has more than once been marred by the importation of the communal spirit into matters where such exhibition was out of place. Thus the passing of the Punjab Courts (Amendment) Act of 1922 was made the occasion for attack by Muslim Members on the High Court, where Hindu interests are assumed to preponderate. While these are the charges which can be levelled against the Council, it must be conceded that when the whole of its account is considered, the balance is not to its discredit. Incidents such as these are not without parallel in other representative institutions, and the first Punjab Legislature could take credit for an attitude in dealing with certain controversial questions, such as the release of martial law prisoners, or the removal of the application of the Seditious Meetings Act, which evinces, at all events from the standpoint of the administration, some quality of determination and responsibility.

In this general review, one important question remains. In the picture now delineated, political changes necessarily appear in the foreground. But at the background of the picture lies a more important feature, the effect of the Reforms Scheme on the administration as a whole. Conceptions of efficiency vary with the changes of time ; we now admit elements in the analysis which would hardly have occurred to us in the Augustan period of executive control. It is nevertheless a crucial question whether the course of the Reforms Scheme has been such as seriously to jeopardize the preservation of order, or to impair the atmosphere of authority, whether the division of functions has constituted an impediment to the orderly progress of administration, or whether the subjects committed to Ministers have suffered at their hands. If there were serious reason to hold that such consequences had followed, as the direct result of the Reforms Scheme, then the "enquiry into difficulties and defects" would have to take a wider range than the amendment of the Devolution

Rules or the extension of powers lying within the act. The field of enquiry is a wide one, and circumstances have combined to render it difficult to refer effects to causes with either confidence or precision. During two years of the reform period there was a grave increase of general crime; but this is to be attributed rather to economic and other causes following the war, and to the destructive effect of non-co-operation doctrines, than to the operation of the Reforms Scheme. It is again a fact that in many districts of the province previous administrative standards are maintained with very great difficulty; but this is due only indirectly to the Reforms Scheme. The province has lost a large number of efficient officers by retirement on proportionate pension, and it will take some years before the junior officers now in charge can effectively take their place. This is in especial measure true of the Police Service. Some loss of efficiency is due also to the increasing financial difficulties of officers, and to the decline of enthusiasm on the part of district officers, who now find much interesting and constructive work (such as the operations of local bodies) removed from their sphere of duties. In both cases the Reforms Scheme must take its share of responsibility, though it is more direct in the latter than the former. It would not again be correct to attribute driectly to the operation of the Reforms Scheme difficulties arising from the agitation of the extreme section of the Sikhs. This is not the place to enter on a detailed history of that agitation, but it cannot be entirely neglected as a factor in the present situation. The movement for reform of the Gurdwaras dates from some years back; but it was then in the hands of a small and unconsidered body of religious enthusiasts. It was adopted, though not in a fanatical or indeed very whole-hearted spirit by the Chief Khalsa Diwan, a body of moderate tendencies which was then the only organization of any prominence in the community. When the Reforms Scheme was in process of introduction, this body took a leading part in protesting against what they considered to be the inadequate representation given to the Sikhs. Their protest assisted in rousing the attention of large numbers of Sikhs to the political position of the community. There had always been a large number of Sikhs who resented the position of the Chief Khalsa Diwan, whether in religion or politics; their opposition was perhaps due to temperament rather than to principle, for there will always be found among the Sikhs large numbers who are suspicious of the better circumstanced men of their class, and are incapable of appreciating either the claims of other communities or the need for moderation and compromise. The Congress leaders, always on the look out for a physical force brigade to head their somewhat nerveless following, and aware that there were in the country large numbers of the returned emigrant class who were frankly vowed to the destruction of British rule, found in the Sikhs, good material for the general agitation they were endeavouring to spread, and the political movement rapidly passed from moderate hands into those of the extreme section. The steps were ill-defined; but it is clear that the movement for the purification of shrines was only one element in a larger agitation. It was the most effective weapon that the new leaders could find, for it concealed from the outer world the real objective of their activity; and while it secured to them the unquestioning allegiance of the Sikh peasantry their growing success in securing the endowments of the shrines placed them in funds for their campaign. Other communities have appreciated, somewhat late in the day, the true meaning of the movement. They realize

that the extreme section of the Sikhs had seen that the Reforms Scheme would ultimately place executive and administrative authority in the hands of the majority community ; it had recognized the political and numerical inferiority of the Sikhs, and hoped to secure by direct pressure on Government a position which they could not obtain at the ballot. It is possible that it had looked further ahead, and persuaded that there would be a complete breakdown of authority with the reduction of British influence in the administration, desired to consolidate its forces in time to take full advantage of that situation. If this analysis is correct, the introduction of the Reforms Scheme has had an indirect rather than an immediate effect on the situation. In one respect—the opposition to the Gurdwara Bill for reasons unconnected with that Bill—its operation has definitely added to the difficulty of dealing with the problem.

It may savour of indelicacy—perhaps of ingratitude—even to raise the question whether interests committed to Ministers have suffered at their hands. In any case, it is not a question which lends itself to a ready answer, for even if it were felt that deterioration had taken place, the experience gained has scarcely been sufficient to afford confirmation of that feeling. The executives of these services for the most part remain the same as in pre-Reform days. In some of the transferred departments there has been a definite quickening of the administration and a concentration of public attention which should in the long run make for greater vitality. If the ambitions of ministers have been curtailed by the financial difficulties of the Province, the departments have nevertheless, on the whole, probably been treated with somewhat greater liberality than they would have experienced under a pre-Reform Government ; for the expenditure on them has increased by 17 per cent. while the total expenditure has remained stationary. To that extent, their condition has undoubtedly improved in comparison with the administration of the reserved departments. If criticism has to be made, it is in a direction which has already found expression in the press, notably in that section which represents Hindu opinion. The Ministry of Education is charged with subordinating the interests of its departments to the support of the communal interests of Muhammadans. The electoral rules of local bodies, the system of grants to educational institutions, and even the rules regulating admission to Government Colleges are alleged to have been modified with this end in view. The general charge is not one which the Ministry of Education has attempted to rebut, though it has denied, and with some justification, the extent of the allegations. That the Minister should attempt to secure definite opportunities to the community which constitutes his chief support in the Council, is not in itself unreasonable ; it may indeed be admitted as one of the inevitable results of the Reforms Scheme. His action, again, could be justified on the merits, for the community was backward in education, and had not so far gained in the administration a representation at all commensurate with its numbers. It has always been claimed as one of the merits of the Reforms Scheme that it would offer to such communities an improved outlook and an incentive to gain a political and administrative position equal to their interests. Many of the measures introduced by the Minister would not have met with acute criticism, had they issued from an Executive Government not susceptible of the charge of communal feeling. In others he has gone somewhat further, or perhaps it would be more correct to say, somewhat more rapidly than an

Executive Government would have been likely to contemplate; that, however, is not in the circumstances unnatural, nor can it be definitely said that it has at this stage produced inefficiency in the departments administered. In one large local body the revision of the rules has led to an abstention of the opposite party, and to that extent has resulted in an interruption on the machinery of representation. At the moment, it can only be said that the further progress of this tendency must be watched with some care in the interests of the Reforms Scheme itself. As has been said already, probably few who were concerned in its introduction, or who were anxious for an effective advance in the grant of representative institutions, realised the extent to which the working of these institutions would intensify communal feeling. Under a system of executive control that feeling, of course, existed. It had, however, little opportunity of manifesting itself, save in occasional outbursts of religious antagonism, but with the advent of representative institutions a new scope and direction has been given to communal activity. All communities feel that it is incumbent on them to strengthen and consolidate their own position in anticipation of the possible withdrawal of British authority. Voting strength gives legislative power and legislative power in the long run must confer administrative and executive authority. Yet it is equally true that in the long run nothing is so likely to produce failure in the working of representative institutions as the inopportune and inconsiderate use by one community of its voting power over others. For the moment, there is every justification for the attempt of a majority community, backward in education and political status, to raise itself to the level of its rivals. Real harm will only be done if that community passes from the constructive task of securing its position to the destructive process of denying equal opportunities to other members, or deliberately excluding them from the administration. Minority communities are beginning to realise the possibility that such attempts may be made.

This general picture has become somewhat extended in length, but it renders more easy the task of considering in detail points of difficulty arising from the working of the Government of India Act. It is advisable, in the first place, to consider questions connected with the relations of the local to the Central Government. The present constitutional position clearly necessitates the retention of the powers of 'Superintendence, direction and control' on the part of the Governor General in Council for which provision is made in sections 33 and 45 of the Act. Whatever the feelings entertained in political circles in favour of the development of "provincial autonomy"—the implications of which have been so little explored or understood—few acquainted with the administrative needs of the country will contest the need for central control in all essential matters. Such difficulties as arise are due rather to the application of that control than to the statutory recognition of the principle. There has been a great relaxation in detail during recent years, striking enough at all events to those who remember the picture presented by the Report of the Decentralization Commission: it is indeed apparent that in some matters of great importance, the Central Government has now to content itself with a position of exhortation and advice rather than superintendence and control. There have been circumstances in which more than one local Government must have felt that a stronger hand should have been extended, in some matters

of great importance, such for instance as the general release of prisoners. There has been on more than one occasion a general demand for a clearer indication of central policy in matters of vital common interest, particularly in the domain of law and order. Coming nearer to detail, reference has already been made to one case in which the action of the Government of India has had a serious effect on provincial policy, namely, that taken in regard to the Land Revenue Bill. It is recognized that where one province proposes legislative action which would seriously injure the interests of others, the Central Government must interfere; but the situation equally demands that a local Government, affected by such orders, should be placed in full possession of the difficulties of the other Governments affected; there should be no suspicion that the Central Government is acting in support of its own predilections on a matter which is now really almost entirely of provincial concern. The observation is not without justification, because in a minor matter connected with Land Revenue administration—the maintenance of rules regarding the disposal of Crown lands—restrictions have been maintained which are out of-date in existing conditions. Control in this case was justified when receipts were divided, at present the rules are simply a survival and cannot be defended on grounds either of practical importance or financial policy. In another instance, namely, the control exercised over the raising of a provincial loan, there has perhaps been less ground for questioning its application. At the moment, a province is in the last resort dependent on Central Finance for financing its capital undertakings. That provinces could raise sufficient loan money for their purposes is clear, if they were prepared to pay the price; for it is now obvious that they tap practically the same market as the Central loans. But the competition of interest rates would be serious, and destructive of mutual interests. There is, however, one condition to which interference with loan projects must be subjected, namely, that if the orders issued result in making a provincial loan impracticable, the Central Government must be willing to supply the deficiency. The existing local Government Borrowing Rules may require modification when and if Governments gain greater independence in their current finance by the adoption of a system under which they would have separate accounts with a central bank, a step which would justify a freer hand in the regulation of their ways and means. The practical inhibition on raising loans " outside India " under section 3 (1) of the Borrowing Rules is a question on which it is not necessary to enter at present; it is connected with somewhat wide issues involved in the position of the Secretary of State as a borrower in London.

There is another matter of general importance in which considerable difficulty has been experienced, the administration of the Income Tax Department. With the principle of a specialized department for assessment of the tax—especially in view of the more intricate form which the law now takes—there can be no disagreement. But the method of assessment, and the attention given to objections and appeals, have an important bearing on the political attitude of the monied classes. There was no feature more noticeable in the disturbances of 1919 than the sudden emergence of these classes as a political factor, deeply interested in the *Satyagraha* agitation; and it was recognized at the time that their change of attitude was due in part, at all events, to the recent enhancement of income-tax rates. Under the present system, the local Government is liable to receive, and does indeed actually receive, complaints

regarding the personnel and attitude of the Income-Tax Department. It is obliged to confess its inability either to superintend or interfere with their operations. This was a danger which was forecasted by some local Governments when the system was introduced, and experience in the Punjab shows that their attitude was not unreasonable. It is difficult to suggest a remedy; a specialized department is necessary and should be under specialized central control. It is possible that a solution might be found in providing an appeal to the Courts on questions of fact as well as law. The people of this country are not yet prepared to accept the position that a department interested in the assessment and collection of revenue can properly provide the final tribunal for deciding on the correctness of questioned assessments.

It is, however, in the Transferred Departments that some of the chief difficulties have been found; their importance is due rather to the feeling of friction they occasion than to their extent or bearing on the general administration. It was, of course, foreseen from the first that though the Government of India, and indeed Parliament might disinterest themselves in the control of the Transferred Departments, Ministers would, nevertheless, in the first instance, be working with departmental officers whom they would not appoint, and over whom they would not have final control. That position has been formally recognized in Rule 49 (3) of the Devolution Rules. If the proposals of the Lee Commission are carried out in so far as concern the provincialization of services, the position will be substantially modified; but in the meanwhile, there are some incidents of the present system which have given rise to an undue sense of interference by the Government of India. This has been particularly the case in regard to medical appointments. Given the necessity of a system under which Indian Medical Service officers are maintained on a general cadre from which selections are made for civil appointments, it is not clear to Ministers why they should not have some power of making selections for their own province from among the list of those nominated for civil employ. Nor is it clear why they should be restricted by the Government of India in the choice of an Inspector-General of Civil Hospitals. There has again been a feeling that the general rules in regard to leave and the like framed by the Government of India for Provincial and Subordinate Services, impose an undue burden on the finances of the Transferred Departments; and it is certainly the case that the restrictions on the purchase of imported stores laid down by Rule 1 (5) of the rules in Schedule III (*see* Devolution Rule 27) constitute an interference with Transferred Departments which it is difficult to justify on the grounds either of principle or convenience. It is so often the case that rules having a sound constitutional basis and entirely reasonable in their general conception, arouse acute opposition on account of the lack of judgment in their application; in the result an attack is made on the principle itself. It is clearly advisable that the Government of India, especially in those departments which deal with transferred subjects, should make every effort, short of a vital sacrifice of principle, to avoid action which can be used to support a charge of interference.

There is a further point of difficulty, connected rather with the legislative than with the administrative aspects of relationship to the Central Government. Section 80-A (3) of the Act contains provisions which are, on the whole, salutary and necessary for the safeguarding of the central position

but sub-clause (*e*) of that sub-section appears to require a closer definition. Central subjects, as defined in Schedule I under Rule 3 of the Devolution Rules, are necessarily widely stated, with the consequence that very numerous Bills dealing exclusively with provincial subjects need the previous sanction of the Governor General, on the ground that they "regulate" Civil or Criminal Law, or those indefinite matters for which reference is made in Section 47 of the Schedule. Even the amendment of an existing provincial law may require sanction for this reason. Since the restriction is statutory, it is not possible to arrive at any convention which may obviate a reference for sanction and its resultant delay, and there appears to be no remedy save an amendment of the Act. The difficulty would appear to be mainly due to the use of the word "regulating" and it is clear that the sub-clause will need somewhat careful redrafting, in order to obviate the difficulties which have been caused.

The preceding paragraphs refer to certain results in the working of the Reforms Scheme on the external relations of the province. It is necessary to turn now to the incidence of the scheme on internal affairs, and to deal with problems arising from the division of subjects under the Devolution Rules. There is perhaps little tendency now to advocate a reversion to the scheme of a Divided Purse. It is at all events recognized that under the existing division of subjects, transferred revenues would suffer from any scheme which made their expenditure dependent on the revenue raised by the administration of transferred subjects. If the Ministers have at times felt the disabilities imposed by the system of the Joint Purse, it is clear that their subjects have not on the whole suffered, since, as already mentioned, the provision made for them has increased by 17 per cent. in a period of unusual financial difficulty, and they have further benefitted by an arrangement which has taken to the "Capital" head certain items of unproductive expenditure which would ordinarily have fallen on the Revenue budget. In other respects, it has been impossible to treat the formal division of subjects as involving in practice a clear cut separation of spheres of work. There would, for instance, at first sight appear to be no more suitable subject for Ministerial responsibility than "Religious and Charitable Endowments". (Item 15, Schedule II.) Yet in the Punjab questions arising under this head have proved to be intimately involved with those of Law and Order, and the action of the Minister of Education in relation to the Gurdwara Bill was taken in loyal support of a decision of the Executive Government with which he himself was not necessarily in the fullest sympathy. On the other hand, his decisions on certain topics within his own sphere, such as the constitution of local bodies or the allocation of educational grants, have reacted strongly on the general administration. The administration of Excise, which has conceded to temperance advocates the suppression of a large number of vendor's shops and the enhancement of still head duties, appears to have resulted in an increase of illicit distillation and smuggling of drugs which will not only affect provincial revenues, but must result in an increase of lawlessness in districts where distillation is rife. The position appears to demand something more than the joint consultation recommended by the Joint Parliamentary Committee; it is not the case that Ministers have hitherto shown themselves impervious to arguments based on the interests of reserved subjects; but one may not unreasonably forecast a time in which they may

prove to be less accommodating. In that case co-ordination can only be attained by the veto of the Governor; but apart from the fact that this can never be more than a temporary expedient, it does not provide a solution which goes to the root of the matter. The veto is exercised not merely on the policy of the Minister, but on that of his supporters in Council. The dismissal of a Minister is consequently not a final remedy, since the substitution of a more complaisant Minister does not necessarily modify the sentiments, or it may be the communal claims, to which the policy of his predecessor was intended to give effect. It has been suggested that a formal rule should be introduced allowing the Governor to refer to a joint decision of both sides of his Council cases in which the interests of reserved subjects are vitally affected by action taken on the transferred side. The constitutional position created would be undesirable, and the basic objection would not be cured by advice which does little more than extend the area of friction. The dyarchical scheme, like all political devices intended to bridge over the transition from one system of Government to another, necessarily contains illogicalities and anomalies; any division of responsibility in administration must be dangerous and especially so in a country where every action of Government has such widespread reactions on the social relations and material conditions of the people. But logicality is not the final test of political institution; and we are at the moment concerned with the practical question whether our present system is so faulty in working as to need serious revision. If not, its anomalies are a matter of less concern. It would not be possible to pretend that the Punjab offered a really suitable field for the inception of a system of responsibility divided between an Executive and a Legislature. It is no matter for surprise therefore that its working has disclosed difficulties due to the interaction of transferred on reserved spheres of administration; and that these difficulties have not been greater is due less to any safeguards supplied by the system than to the fact that we have hitherto found Ministers willing to co-operate with the Executive, and that they have been supported by a party which has not attempted to force their Ministers into an extreme position. In any other circumstances, the complications introduced by the action of transferred on reserved subjects might easily constitute a serious danger to the administration.

Would the existing or anticipated difficulties be decreased by any re-arrangement of the division of subjects now provided in the Devolution Rules? It is necessary to put the question in this form, because the immediate topic is not the feasibility of transferring further subjects in order to attain "provincial autonomy". Whatever the value of this ideal (and at the best it must be subject to many qualifications), it is not the main object of the present discussion. Moreover, an impartial observer might reasonably object to any transfer purely on this ground until we had adequately explored the limitations which must be set on the absolute automony of the provinces by the necessity of safeguarding Central authority and revenues and the uniformity of legislation on essential subjects. It has been too readily assumed that the provision for the continued transfer of subjects contained in Section 45-A embodies a decision of Parliament to grant to provinces a complete independence of Parliamentary control, nor have its advocates foreseen the inevitable results in the creation in India of virtually independent and antagonistic units,

controlled neither by a Central Executive, which would cease to function save for the management of Foreign affairs, the Army and Commercial Departments, nor by a Central Legislature, which must be shorn of its powers by the natural process under which legislative follows administrative independence.

We are, in the Punjab, faced in this connection with another and very practical consideration. To judge by the attitude of the press, which is largely in Hindu control, there is so little effective demand for further transfers, as to create a suspicion that there would be some gratification if certain subjects now transferred were to pass over to the reserved side. If this expresses the situation too nakedly, it is at all events the case that constant efforts are made to persuade the Governor to control the actions of the Ministry in order to safeguard the communal interests of the minority in the Council. It would be a somewhat crude, but nevertheless an effective test of the feeling of those whose political theories demand a continuing transfer of administration to Ministers, if we were now to put forward a practical proposal to transfer the Administration of Justice (item 17), Police (item 32) or Elections (item 44) to the transferred schedule. It is even doubtful if much honest support would be found for the transfer of Land Revenue Administration (item 8) with its opportunities for the appointment and control of a numerous revenue staff and for securing political influence by the allotment of colony lands. From the point of view of the Executive Government, it is at the moment impossible to advise the transfer to Ministers of any of the major subjects now reserved. Apart from any consideration based on the necessity of maintaining a fixed policy and the guarantee of a strong control in a province such as the Punjab, it is clearly essential to delay further action until the competitive rivalry of the communities has abated. The one major subject which at one time seemed suited for transfer was Forests; it seemed possible that in the transfer to a Minister might be found a solution for the prejudice which now appears to drive the Council into a standing disinclination to vote expenditure on this department. But the prejudice is so deep seated that the experiment would be fraught with risk, not only to the financial position, but to the maintenance of the unclassified forests over which grazing rights exist. The transfer of Jails again has been advocated, but in this province very serious difficulties have already been experienced in the maintenance of discipline; jail management has moreover at the moment political implications hardly known in England, and the decision on the question of transfer must clearly await conditions when the political prisoner ceases to be so large a component in our prison population. The retention of the control of the Services, in whole or in part, must await the developments following on the Report of the Lee Commission. If these are the main conclusions, then it is of little value to discuss minor changes in the division of functions. They are hardly required in order to solve defects arising from the working of the present scheme; and minor modifications would not in themselves remove any of those difficulties which arise from popular or political objections to the scheme as a whole. It remains to add one consideration to those already advanced. Even some of those who have advocated a liberal addition to the list of transferred subjects, have made a cautionary reservation in regard to the operation of Section 72-D (2) (*b*) of the Act. They recognize that it may be necessary to provide in regard to the new subjects of transfer, the power of restoration now applicable to reserved subjects

in sub-clause (*a*) of that sub-section. If that caution be justified, then it is a strong argument against transfer, and it is difficult to see how such a change in the Statute could commend itself as compatible with the principle on which transfer is to be made.

There may be a legitimate difference of opinion on the question whether an improvement on the present position would be effected by any alteration in the franchise. The general electoral qualifications are on a higher basis than in most other provinces; the general urban qualification is possession or occupancy of property of an annual rental value of not less than Rs. 96 or assessment to municipal taxation of not less than Rs. 50; the general qualification in rural areas is the ownership of land assessed to land revenue of not less than Rs. 25 or occupancy of a Crown tenancy of the same value. The characteristic feature of the rural qualification is that it does not, generally speaking, admit tenants to the vote, and for practical purposes the only question of importance which arises is the advisability of their inclusion. There is at present in the Punjab no problem of tenancy legislation such as exists in other provinces, and which of itself renders it advisable to give this class due representation in the Legislature. It is doubtful if the extension of the franchise would send to the Council an element which would counter-balance the preponderating landlord representation, or affect the view taken by the Council on questions, such as taxation or land revenue, on which the landlord class now takes decided views. Land revenue and occupiers' rates are in large areas shared between landlord and tenant, and changes which would touch one class would affect the other. A large addition to the agricultural vote might compel the creation of additional rural constituencies, and increase the difficulty caused by the position in which the urban interest now finds itself. On the whole, it is advisable to delay consideration of any change in the franchise until a genuine demand for this arises. At the moment, it would add to the embarrassment caused by the claims of the Sikhs to stronger representation in the Council. The prescription of a residential qualification for candidates, which applied to the first Council, has now been removed. It served its purpose of giving the rural Members an entrée from which they have not been dispossessed; but there appears no adequate reason for suggesting the re-imposition of the qualification.

## Note by the Hon'ble Member, Revenue.

In consequence of the debate on Rao Bahadur Rangachariar's resolution *re* the grant of full self-government and Dominion status to India, in the Legislative Assembly on the 8th, 13th and 18th February 1924, and the undertaking given by the Home Member on behalf of the Government of India that a full investigation of any defects or difficulties which may have arisen in the transitional constitution granted under the Government of India Act, 1919, will be made and in fulfilment of this promise the Local Governments were addressed to make investigation for the determination of the difficulties arising from and the defects inherent in the working of the constitution. They were further desired to see how far the constitution could be improved without taking measures so far reaching as to involve fundamental changes in the policy and the purpose of the Government of India Act.

The working of the reformed constitution in the Punjab has, generally speaking, been satisfactory ; but there have been slight difficulties in so far as the united working of the cabinet is concerned. The Hon'ble Members and Ministers in charge of their respective departments have generally been carrying on their work with His Excellency the Governor under the title of "the Governor in Council" or "the Governor with his Ministers"—the former in the reserved subjects and the latter in the transferred departments. There have, however, been joint deliberations of the cabinet on the invitation of His Excellency the Governor (whenever His Excellency desired for such deliberations) on certain aspects of the questions coming up for discussion before the Governor with Members and Ministers present. The system has so far worked fairly well, but to my mind it is necessary that there should be more frequent opportunities for joint deliberations. The Joint Committee of the Houses of Parliament have also advised this course, and this advice, I am of opinion, should be followed more frequently than has been in the past. In the past three years office routine work (the disposal of files) has chiefly engrossed the attention of the Members and Ministers, and they have had (at least I can say for myself) very little occasion to go about and see things for themselves so as to be in touch with the public in order to gain necessary knowledge and to acquaint the public with the activities of the Government. The Members and Ministers, in my opinion, should have more time at their disposal than they have had hitherto, to initiate policy and proposals for the better administration of the Province.

Now coming to the question whether the division of subjects between His Excellency the Governor and the Members and Ministers could be revised and whether the transference of urther subjects from the reserved to the transferred list is possible, I believe there is a great scope for it. If I am not wrong, the object of reforms is that, as time goes on, more reserved subjects should be transferred and that eventually all departments under the reserved head should be placed under the charge of the Ministers, thereby replacing Members by Ministers, *i.e.*, that the number of Ministers would increase and the number of Members would decrease so as ultimately to place the Ministers in charge of all the portfolios making them responsible to the Legislature. The dual

system of Government has, in my opinion to some extent, stood in the way of united action. It has not brought about the development of the party form of Government, or the sense of responsibility to the Legislature. If the eventual goal of self-government and provincial autonomy has to be achieved it is desirable that a larger number of reserved subjects be transferred and their administration placed under the charge of the elected representatives of the people in the person of Ministers appointed from the members of the Legislative Council. The division of subjects into Central and Provincial head has, I believe, to be maintained for the present, though to secure provincial autonomy, sooner or later, this division shall have to disappear. From the present list of central subjects in charge of the Governor, page I, column 2, of the Distribution List of July 1923, I would take off item no. 7.* This could usefully be transferred. As to provincial subjects I would retain under the head "Reserved," items nos. 1,† 1 (*b*) of the first column and 1‡ and 2 of the second column. The rest, I suggest, be transferred.

As to the subjects under the charge of Hon'ble Member, Finance, I would retain under head "Central Subjects," items§ 1 and 2 of the first column on page 1 of the list, and items‖ 1 and 2 (*a*) of the second column on the same page; and items (*b*)¶ and (*c*) of the first column, and 7** and 8 of the second column on page 2 of the list, as reserved subjects. The rest I would transfer. As to the provincial subjects I think all the items could be transferred.

As regards the subjects in my charge, firstly with reference to the Central subjects, item 2 (only control of explosives) and item 1 (control of arms and ammunition) of the first column, and item no. 3†† of the second column on

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*7. Gazetting of all Indian Civil Service and Provincial Civil Service Magistrates with powers.

†1. Legislative Council work including—

(*a*) Amendment of Rules.

(*b*) Nomination of Members.

‡ 1. Protection as reserved by rule 10 of the Devolution Rules, of members of all-India and Provincial Services serving in the Province.

2. Office management,—(*a*) of Civil Secretariat; (*b*) of Government offices generally, including holidays in Government offices.

§ 1. The Public Services Commission.

2. Communal and religious questions affecting the general ranquillity (under this head questions such as racial discrimination on railways or racial collisions and kine slaughter would be dealt with).

‖ 1. Frontier Crimes Regulations.

2. (*a*) Defence of India and all matters connected with His Majesty's Naval, Military and Air Forces in India, or with His Majesty's Indian Marine Service or with any other forces raised in India other than Military and armed Police wholly maintained by Local Governments.

¶ (*b*) Naval and Military Works, and

(*c*) Cantonments and subject under the Cantonment Act, 1910, [except taxation but including Cantonment Magistrates and the Cantonment (House Accommodation), Act, 1902.]

** 7. Expenditure on tours of Governor.

8. External relations so far as they concern compensation to heirs of labourers died abroad.

†† External relations, including naturalisation and aliens and pilgrimages beyond but excluding relations with the external frontier of India.

page 3 of the list should remain reserved. On page 4 of the list, items nos. 1* and 2 of the first column (Railways and Inland Waterways) under Central subjects, should be retained as reserved and the rest could be transferred. As to Provincial subjects, except Inland Waterways including Shipping and Navigation thereon (page 5, column 1) and control of dramatic performances and cinematographs (page 6, column 2) I think all could be transferred.

I find that under the Government of India Act, 1919, section 45 (*a*), the transfer of any subject requires the sanction of the Secretary of State in Council, and this can be effected without the alteration of the Act itself. With the transfer of practically all the reserved subjects it will be necessary to give power to the Governor to restore grants, should the Legislative Council adopt an obstructive policy in not voting grants. In order to give autonomy to the Provinces there should be less of interference on the part of the Central Government in the internal working of the administration of the Province. I, however, do not mean to say that the Government should divest itself of any such safeguards, but, unless the provincial administrations are left to themselves and allowed to stand upon their own legs, provincial autonomy and self-government for India cannot be achieved.

SUNDER SINGH, MAJITHIA,
*Member for Revenue.*

*The 21st May 1924.*

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## Rough notes by the Ministers regarding Government of India's enquiry relating to advance in the Reforms Scheme and removal of its defects.

*I.—Advance in the Provinces.*

1. Distinction between the Reserved and Transferred Subjects. It prevents—

(*a*) the creation of a united Government,

(*b*) the development of party form of Government, and

(*c*) the developing of sense of responsibility in the Legislature.

It is, therefore, necessary that all the 'Provincial subjects' should be 'Transferred subjects,' excepting the Legislative Council work—nomination of members.

As regards 'Central subjects,' a large number of them are such as can also be transferred. It appears that only the following need be kept reserved :—

(1) 'Central subjects' at present under His Excellency the Governor nos. 1 to 6†.

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* 1. Aircraft and all matters connected therewith.
2. Shipping and Navigation including that on Indian waterways in so far as they are declared to be a central subject by rule made by the Governor-General in Council or by or under legislation by the Indian Legislature.

† 1. Relations with States in India.
2. Political charges.
3. Ecclesiastical administration including European cemeteries.
4. Regulations of ceremonials, titles, orders, precedence and civil uniform
5. Durbars and Durbaris.
6. All-India Services.

(2) ' Central subjects ' under Hon'ble Member, Finance. Item 2, column 1, page 1 ;* item 2, column 2, page 1 ;† item 4, part I‡ and item 7, column 1, page 2 ;§ and items 1 to 4‖ and item 8, column, page 2.¶

(3) ' Central subjects ' under Hon'ble Member, Revenue,—Control of Arms and Ammunition and Aircrafts, and matters connected with shipping and navigation.

This will not necessitate any amendment of the Act. Under Section 45-A of the Government of India Act, this can be done. To this only one objection can be taken—that the transfer of important subjects may enable the obstructionist to bring all Government to end, thus creating chaos. This, however, can be safeguarded by adding a provision to the Act to the effect that in case the legislature's action is based on the principle of obstructing Government, the Governor has the power to restore grants. As a matter of fact as soon as all the subjects are transferred, the sense of responsibility will prevent legislatures from using the weapon of obstruction for the sake of obstruction.

2. Reduction of franchise from Rs. 25 to Rs. 5 land revenue and expansion of franchise by enfranchising agricultural tenants.

Government of India still exercises a great deal of interference with the administration of even ' Transferred subjects. ' This should cease. In the Provinces responsibility to the Council is meaningless, if the Government of India is to have powers of interference. It appears that the old machinery has continued to operate and has thus defied the Reforms Scheme. The remedy consists in reduction of the Secretariat of the Government of India. In the beginning Government of India seldom interfered, but after Mr. Montagu's resignation, interference has been common. For ' Transferred subjects ' only one Secretary need be retained in the Government of India with a view to act as a Post Office between the Provinces and the Secretary of State.

Financial position of the ' Transferred subjects ' is extremely precarious. The claims of peace and good order so often take precedence over nation-building departments, that until these departments as well are transferred, real nation-building work is likely to continue to be starved.

*II.—Central Government.*

Indian opinion is insistent on having some amount of responsibility secured to the Assembly in the matter of some of the ' Central subjects '

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* Communal and religious questions affecting the general tranquillity.

† Defence of India and all matters connected with His Majesty's Naval, Military and Air Forces in India, or with His Majesty's Indian Marine Service or with any other forces raised in India other than military and armed Police wholly maintained by Local Governments.

‡ Emigration from and immigration into British India and inter-provincial migration.

§ Cantonment Taxation cases.

‖ 1. Currency and coinage, including treasuries.
3 Public Debt of India.
3. Savings Banks.
4. The Indian Audit Department, and Excluded Audit Department, as defined in rules under Section 96-D (*i*) of the Government of India Act.

¶ External relations so far as they concern compensation to heirs of labourers died abroad.

with which the Government of India deal. It is suggested that the demand be to a certain extent met.

*III.—Services.*

At present the Governor-General in Council has the nomination of some important Heads of Departments in the Provinces on the ground that the claims of the incumbents of All-India Services should be safeguarded by him. This appears to be unfair to the Provinces inasmuch as the Local Government has to see to the interests of the Province and not to the interests of the Service. Therefore the right of selection to Local Government should be secured.

*IV.—Secretary of State's control over the Government of India.*

It is generally demanded that this should be substantially reduced.

FAZL-I-HUSAIN,
*Minister for Education.*

LAL CHAND,
*Minister for Agriculture.*

*The 21st May 1924.*

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## Supplementary Note.

There are some points which, though not coming directly under the reference, are important enough to be considered at the present moment.

The Government of India has not enquired whether the Assemblies and Councils are the real exponents of the opinion of the country; and, if not, whether any special measures should be taken to train the masses and to bring them nearer the Reforms.

A scrutiny of the names of members of different Councils and the Assembly will reveal the fact that in most of the Provinces and particularly in the Central Legislature, the villager is not properly represented. India is an agricultural country, and just as labour is a great power in England, agriculture should be a power in this land. The real representative for these important interests will be a man who, having lived in those conditions, has had some education to understand these problems. A good deal of encouragement of these classes is needed. The press and the platform to-day do not represent India. The residential qualification in the Punjab brought in the real rural representation in the first elections, and hence the smooth working. So the following are necessary :—

(1) Rules should be so modified as to ensure that the town-bred educated people and the capitalist do not monopolise our Councils. A committee of men acquainted with these conditions should be charged with the duty of modifying electoral rules.

(2) Government does not do any propaganda work. People are being misled every day. False stories are spread. Appeal is made to the sentiments of the people, and Government sits silent. Government punishes people for having gone wrong, there is no

reason why they should not take measures to prevent people from going wrong. We are, as a matter of fact, liable to be called upon why we remain silent when interested persons are agitating the masses. We ought to warn people, of such mischief-mongers. Publicity Department is the greatest need of the country. It should be clearly understood that propaganda among an illiterate population cannot be done through the press only. Ministers and Members should go out into the country to explain their policy and a special department should be at their disposal.

Our agriculturists cultivate small pieces of land which may be much below the size of an economic holding, and they naturally feel discontented when they find that they are born in debt, live in debt and die in debt. The agitator goes and says "This is due to the present Government." Why should we not do justice to him by relieving him of taxation (which he should not be asked to pay as he is making no profit) and fixing the burden upon the fat landlords who do not do any work at all.

I have given only hints of these points and reserve detailed description for future occasions.

LAL CHAND,
*Minister for Agriculture.*

FAZL-I-HUSAIN,
*Minister for Education.*

*The 21st May 1924.*

# BURMA

Letter no. 267-E.-24, dated Rangoon, the 11th July 1924.

From—Mr. F. LEWISOHN, Chief Secretary to the Government of Burma,

To—The Secretary to the Government of India, Home Department.

SUBJECT.—*Enquiry into the difficulties arising from or defects inherent in the working of the Government of India Act and the Rules thereunder.*

I am directed to reply to your letter no. F.-166-Public-1924, dated the 8th April 1924, in which this Government was asked for a report as to the sections of the Government of India Act and of the Rules thereunder in regard to which difficulties had arisen, as to the causes of such difficulties and the remedies proposed.

2. The Government of India wish to obtain a clear and discriminating appreciation of the present position of the Reforms, but point out that it would be impossible to base on the experience of the last three years any judgment of more than temporary validity as to the suitability of the institutions brought into being by the Act. This difficulty must necessarily be felt with particular force in this Province where the Act was only brought into force eighteen months ago. There has so far been only one general election in Burma and the Government of this Province has not yet had to face the special situation created by the entry of the Non-Co-operation party into the Legislative Councils such as the Government of every other Province in India has had to face. The elections held in Burma in 1922 were avowedly boycotted by the extremists and less than seven per cent. of the electorate voted. In the Legislative Council there are two main parties in addition to a few Independents—the Progressive Party which ordinarily votes with Government and the Nationalists or the " Twenty-one " Party, whose policy corresponds roughly with that of the Liberals or Moderates in India. The latter party is supported by the bulk of the *Intelligentsia* of the country, although it is doubtful if it has succeeded in impressing itself on the country at large. The " Hlaing-Pu-Gyaw " Party which corresponds roughly with the " No-Changers " in India, although without any leader of real note or ability except the Arakanese priest U. Oktama, appears to have appealed with success to national and anti-British passions and prejudices, to have secured a fairly large following among the rank and file of the electorate, and, what promises to be an important matter, the support of a considerable number of the Buddhist clergy, who have much influence in rural areas. In the opinion of many, should this party decide to enter the Legislative Council at the next election, they would secure a large number of seats and the tranquil and on the whole satisfactory working of the Reformed constitution in Burma might receive a serious set-back. This, however, is not the opinion of the Hon'ble Ministers, who consider that the Nationalist Party has met with a fair measure of success in educating public opinion, that the influence of the " Hlaing-Pu-Gyaw " Party is gradually declining and that, if present conditions continue, they will cease to be a political power by the time the next election arrives.

3. The dyarchical principal as put into practice in Burma has so far worked smoothly. His Excellency the Governor has paid particular attention to Instruction IV of the Instructions to the Governor, which requires him to encourage a habit of joint deliberation between himself, his Council and his Ministers. All matters of real importance, whichever side of the Government they may primarily affect, have been jointly discussed and such discussions have been conducted with complete harmony.

4. The relations of Government with the Legislative Council have also on the whole been harmonious. The constitution of a standing committee of the Legislative Council as a Finance Committee (*vide* paragraph 81 of the Burma Legislative Council Standing Orders), to which Committee the Finance Department refers for advice all proposals involving expenditure above a certain limit, and the appointment of Committees on which the Legislative Council has been fully represented to deal with such matters as retrenchment, vernacular education, reorganization of the police, industrial finance, etc., has brought the Legislative Council into close touch with the administration during the comparatively long periods when the Council itself has not been in session. The Nationalist Party has not been backward in criticising Government in every sphere of the administration, but the tone of its criticisms has been reasonably restrained, and it has shown a commendable desire to follow the ordinary precedents of parliamentary procedure. In dealing with the Budget it has refrained from making indiscriminate cuts, such as injure the administration without any corresponding advantage to any body. In March 1923 the Party was successful in reducing the grant for Police by ten lakhs as a protest against the excessive proportion of the revenue set apart for expenditure on the Police. It refused in December 1923 to pass a supplementary grant to restore that ten lakhs, which resulted in His Excellency the Governor having to use his powers of certification—the only occasion on which resort has had to be had to that power. In March 1924 the Party carried a cut of three lakhs in the grant for General Administration as a protest against the retention of the appointments of Commissioners of Divisions, but it is too early in the financial year to say whether or not it will be necessary for the Governor to restore that sum.

5. On receipt of your letter the Ministers in charge of the Transferred Subjects were asked to record their views, and I am to enclose a copy of a joint note, dated the 10th May 1924, by the Hon'ble Mr. J. A. Maung Gyi, *Barrister-at-Law*, and the Hon'ble U Maung Gyee, M.A., *Barrister-at-Law*. Subsequently on receipt of intimation from the Government of India that your letter under reply need no longer be treated as confidential, an informal conference was held in Rangoon on the 7th June 1924 to discuss the subject matter of your letter. This conference, over which the Hon'ble the Finance Member presided, was attended by the two Ministers, by nine representative Members of the Legislative Council and by a Burman gentleman who, although not a Member of the Legislative Council, plays a prominent part in the counsels of the Nationalist Party and is President of the Burmese Chamber of Commerce. A note summarising the salient features of the discussion at this conference is enclosed. These two notes indicate a few difficulties which have been experienced in the working of the Act and of the Rules thereunder, but in the main they contain suggestions for a wide extension of the principle of self-government in Burma based on theoretical political principles, rather than on any

complaints against the working of the constitution as it exists to-day and as it has been applied in practice.

6. The Government of Burma in weighing the suggestions which have been put forward has been confronted at the outset with the difficulty of appreciating the exact scope of the enquiry which is now being held. It considers, however, that it is clearly precluded by the terms of your letter from examining any proposals which involve a fundamental alteration in the structure of the Government of India Act, or proposals for meeting difficulties or remedying defects which are not difficulties or defects brought to light by practical experience. From that standpoint the Governor in Council considers that it is unnecessary to examine and impossible to support the first proposal made by the Hon'ble Ministers which is to provincialize all matters except those relating to Imperial Defence and Foreign Relations. More subjects have already been made Provincial in Burma than have been made Provincial in any other Province and His Excellency in Council cannot but think that the experience gained in so short a period as eighteen months can hardly be regarded as sufficient to justify any further wholesale transfer. The authors of the Montagu-Chelmsford Report indicated clearly that the object of transferring subjects gradually to popular control was to accustom as many persons as possible to the problems of administration and the exercise of responsibility, to develop responsibility in electorates and to encourage the growth of proper relations between representatives and constituencies. With the exception of one general election, at which less than seven per cent. of the electorate voted, the electors have had no opportunity of giving evidence of their appreciation of the working of the new constitution. So far as the Governor in Council is aware no Member of the Legislative Council has hitherto addressed his constituents on the problems of the day, and but few have attempted to establish between themselves and their constituents that relation which exists between voters and Members in other countries where parliamentary institutions flourish. While the past eighteen months have afforded most valuable training to Members of the Legislative Council and others in touch with political problems, the electorate as a whole stands much where it did before the introduction of the Reforms. This view is not altogether endorsed by the Hon'ble Ministers who consider that the central Nationalist organisation is well in touch with the electorate and that the Nationalist Press has been successful in propagating the views and policy of the Party. While, however, the Governor in Council is unable to support the proposal for a wholesale conversion of Central into Provincial subjects, His Excellency in Council, concurring with his Ministers, recommends that any subject which is made a Provincial subject in the Provinces in India should also be made a Provincial subject in Burma. It would be a most unfortunate thing if ground was given for the belief that Burma is less fitted for self-government than any Province in India merely because the working of the Reforms in Burma has been harmonious and there has been a complete absence of those extremist manifestations which have marked the proceedings of some Legislative Councils in India.

7. For similar reasons the Governor in Council is unable to support the proposal that all Provincial subjects should be made Transferred Subjects but, concurring with his Ministers, recommends that any subject which may be made a Transferred Subject in any Province in India should, unless there is any clear reason to the contrary, be made a Transferred Subject in Burma as well.

8. The next point raised by the Hon'ble Ministers is the control of the Governor over the administration of Transferred Subjects which they consider to be inconsistent with the responsibility of the Ministers to the Legislative Council and also to encourage some Heads of Departments to question the authority of the Ministers. They acknowledge, however, that as a rule they have received the support of the Governor in such cases. The administration of Transferred Subjects is, I am to remark, in the hands of the Governor acting on the advice of his Ministers, whereas the Hon'ble Ministers appear to wish that it should be in the hands of the Ministers free from any control by the Governor. This would represent a very fundamental alteration in the constitution established in the Government of India Act. So long as the Act remains in its present form the Governor in Council does not consider that it is possible to dispense with that Rule of Executive Business which prescribes that where it is proposed to negative the recommendations or to overrule the discretion of Heads of Departments and certain other officers of similar status in any matter of importance, the papers shall, with certain exceptions, be submitted to the Governor before any orders to that effect are issued. This rule was taken from the Model Rules which were sent to the Local Government by the Government of India. The obvious intention is to assist the Governor to decide whether or not to assent to the advice of the Minister. In cases where the Minister is in agreement with the Head of a Department, the assent of the Governor may reasonably be presumed. Where, however, the Minister differs from the Head of a Department on a matter of importance, it is better that the Minister should have the opportunity of considering the Governor's views on the subject, in any rare case where the Governor might be disposed not to accept the advice of the Minister, than that the Governor should be compelled in the performance of his responsibilities under his Instructions to cancel the order of the Minister after it has actually issued. I am to add that the Hon'ble Ministers state that they do not claim that the Governor should have no control over his Ministers, but merely that he should have no greater control than that exercised by a " constitutional " Governor.

9. The Ministers consider that Rule 10 of the Devolution Rules gives them too little authority over officers of the all-India Services serving in a Transferred Department. The Governor in Council is not aware that any difficulty has arisen in practice in the interpretation of Devolution Rule 10. The existence of the rule is essential if the Governor is to exercise the responsibilities specifically laid upon him by Instruction VII of his Instructions. To do away with this rule and to authorise the Minister to pass orders affecting the emoluments or pensions of the all-India Services without the personal concurrence of the Governor would remove a safeguard to which it may reasonably be presumed that the officers of these Services attach much importance. His Excellency in Council considers that it would be inexpedient to remove any safeguards now enjoyed by members of these Services at a time like the present when constitutional changes and rumours of constitutional changes are undoubtedly creating among Government servants a feeling of uncertainty and insecurity.

10. The last comment by the Hon'ble Ministers relates to the financial restrictions imposed by the Devolution Rules. It is objected that Devolution Rule 38 gives the Finance Department alone power to reappropriate within a grant from one Major, Minor or Subordinate Head to another. The Local Government has no objection to this rule being redrafted so as

to give the Administrative Departments power to sanction reappropriation within a grant from one Major, Minor or Subordinate Head to another, on the understanding that Government is not committed without reference to the Finance Department to additional recurring expenditure which would have to be met in future years.

11. The objection raised to Devolution Rule 42 is that the Finance Department has to be previously consulted before the Minister for Forests can grant a lease of forest rights. I am to observe that the rule does not require the concurrence of the Finance Department to be obtained, but merely requires previous consultation. Where there is disagreement between the Ministry of Forests and the Finance Department, the matter is considered at a meeting of the whole Government. In the past eighteen months only two such cases have occurred and both cases were settled by agreement. In the opinion of the Governor in Council the grant of the lease of a forest in Burma is a matter which may frequently have an important effect on the finances of the Province, which derives a revenue of a crore and a quarter from timber royalties. His Excellency in Council considers that previous consultation with the Finance Department is in the circumstances a not unreasonable requirement.

12. I am now to turn to the detailed discussion at the informal conference held on the 7th June. Some of the points raised in that discussion have already been dealt with above. The main point to which attention was directed was the difference in the procedure laid down in section 50 of the Government of India Act for the disposal of Reserved Subjects from the procedure laid down in section 52 relating to Transferred Subjects. In the case of a Reserved Subject the Governor may be overruled by the Members of his Executive Council, except in cases where the safety and tranquillity or interests of the Province or any part thereof are or may in the Governor's judgment be essentially affected. In the case of Transferred Subjects on the other hand there is no provision in the Act for joint consultation between the Governor and his Ministers. The Governor cannot be overruled by his Ministers, but he can on the contrary overrule them if he sees "sufficient cause to dissent from their opinion." Although that is the strict legal position, the powers of the Governor to overrule the Ministers are in practice considerably circumscribed by the restrictions laid upon him in Instruction VI of his Instructions, which require that the Governor shall not dissent from the advice of the Minister "without taking into consideration the relations of the Minister with the Legislative Council and the wishes of the Members of the Legislative Council." It may be admitted, however, that the terminology of section 52 of the Act scarcely seems in accordance with the intention of the Joint Select Committee of both Houses of Parliament on the Government of India Bill as first introduced. From the report of that Committee it would seem that the Committee envisaged that the Ministers would form a sort of Council parallel to the Executive Council. The Committee talked of the decision of the Government in respect of a Transferred Subject being recorded not by the Minister responsible for the particular subject but by the Ministers. The Committee hoped that the Governor would act on the advice of his Ministers (and not of the Minister responsible for the particular subject). Presumably the terms of the Act were deliberately chosen, and it was decided that it was undesirable to give to the Ministers that power to overrule the Governor which was possessed in theory by the Members of the Executive Council. The reason is to be

found perhaps in the difference of status between a Member of Council and the Ministers. Members of a Governor's Executive Council are appointed by His Majesty and hold office for a definite term of years ; Ministers on the other hand are appointed by the Governor and hold office at his pleasure. It was no doubt the intention of the framers of the Act that the Ministers should resign in case the Governor dissented from their opinion, and that the Governor would be restrained from so dissenting in any matter where the Ministers had the backing of a majority of the Legislative Council, owing to the difficulty of finding a successor. To assimilate the provisions of section 52 to those of section 50 of the Act, as was proposed at the conference, would be to effect a radical alteration in the existing constitution, and must therefore be held to be outside the scope of the present enquiry. I am to add, however, that the proposal has the warm support of the Hon'ble Ministers who consider that it would constitute a definite step in the evolution of Cabinet Government.

13. With regard to the proposal that a new rule should be inserted in the Devolution Rules requiring all matters affecting either Transferred or Reserved Subjects but involving a question of general policy to be brought before a meeting of Executive Councillors and Ministers sitting together, and laying down that the decision of the majority should prevail, I am to observe that this would be obviously opposed to the principle of dyarchy which is based on the theory not of joint cabinet responsibility, but of the separate responsibility of the Executive Council for Reserved Subjects and of the Ministers for Transferred Subjects, and this too must be ruled therefore to be outside the scope of the present enquiry.

14. The Governor in Council finds himself unable to support the other suggestions which were made at the conference, such as the reduction in the number of nominated Members of the Legislative Council, the abolition of communal and special representation and the transfer to the Legislative Council of the power to abolish appointments held by members of the all-India Services. So long as the Secretary of State appoints officers to the all-India Services, so long, it is obvious, that the power of abolishing their appointments must remain in his hands. The number of nominated Members of the Legislative Council is not, in the opinion of the Governor in Council, excessive, while it is of the first importance that Heads of Departments, Secretaries and other high officials should be in close touch with the Legislative Council. His Excellency in Council believes that the provision for communal and special representation has proved of real value, and that its abolition would only result in unduly weakening the personnel of the Legislative Council. The Hon'ble Ministers are of opinion that the specific suggestions referred to in this paragraph will not assume any practical importance until the approach of the next election, and they prefer to reserve their opinion on them.

15. It will be observed that on the whole the Governor in Council is of the opinion that in practice hardly any difficulties have been experienced and hardly any defects discovered in the working of the Government of India Act and the rules thereunder, and that consequently it has no suggestions to make for any alteration. To some extent this must be attributed to the fact that the Reforms in this Province have only been in force for 18 months and that the Nationalist Party has made a sincere attempt to work them in the spirit in which they were introduced. But I am again

to emphasise the desirability of not excluding Burma from any amendments which it may be decided to make in the Act or in the rules thereunder as the result of the longer and more varied experience which has been gained of the working of the Reforms in other Provinces of India.

16. I am to add that the Hon'ble the Home Member has unfortunately been prevented by indisposition from taking part in the discussions on which this letter has been based.

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ENCLOSURE I.

*Note by the Hon'ble Ministers in charge of Transferred Subjects.*

I. *Provincialisation of Central Subjects.*—It is hardly necessary to emphasise the well recognised fact that Burma is not India. The Indian Legislature constituted as it is, does not, and cannot reasonably be expected to know or appreciate the special problems of Burma, and Central Subjects are more or less administered according to ideas based solely on India's needs and wishes. In our opinion, all matters excepting those relating to Imperial Defence and Foreign Relations should be provincialised. Matters like Civil Law and Procedure, Criminal Law and Procedure, etc., which could be handed over to Burma with little or no financial adjustment with India should be provincialised forthwith.

II. *Transfer of Reserved Subjects.*—The transfer of Rangoon University and Forests was regarded with grave misgivings. As regards Rangoon University, it was feared that its progress might be hampered and its standards lowered if it were transferred. As regards Forests, it was feared that the public did not appreciate the importance of conserving forests and its transfer would result in a relaxation of rules and measures for the conservation and protection of forests. These fears have proved groundless. On the contrary, and as was anticipated by the present Hon'ble the Finance Member, the Legislative Council has directed its criticisms to the Reserved rather than to the Transferred Subjects. Our experience leads us to think that all the provincial subjects may be transferred without any serious risk.

III. *Relations between Governor and Ministers.*—Ministers are held responsible to the Legislative Council. Under the Act, the Governor acts with his Ministers but is not bound to accept their advice in any case.

Ministers act separately. Important matters relating to Transferred Subjects are sometimes brought up before a joint meeting of the Members and the Ministers presided over by the Governor but under the Act it is entirely left to the Governor to accept or reject the sense of the meeting.

Under the Rules of Executive Business, Ministers cannot negative the recommendations or overrule the decision of the Financial Commissioner, the Development Commissioner, a Commissioner of a Division or a Head of a Department—in any matter of importance—without the approval of the Governor.

Thus the Governor's control over the administration of Transferred Subjects is absolute. This is not only inconsistent with the responsibility of the Ministers to the Legislative Council, but also encourages some Heads of Departments to question the authority of the Ministers. We

must, however, acknowledge, and we do so with pleasure, that as a rule we receive the support of the Governor in our difficulties.

IV. *Authority over Officers.*—Ministers can exercise little authority over all-India Service Officers serving in the various departments under them without the concurrence of the Governor, *vide* Devolution Rule 10. And this tends to lower their status and weaken their authority.

The joint views of the Hon'ble the Finance Member and ourselves on the question of the Local Government's control over Superior Civil Services were embodied in the Note replying to the Questionnaires issued by the Lee Commission.

V. *Relations with Finance Department.—Devolution Rule 42.*—Under this Rule, the Finance Department has to be previously consulted in all cases affecting grants and concession of forest rights. This gives the Finance Department which is a Reserved Department undue power over a Transferred Subject. It is true that under Devolution Rule 45 the Finance Department may prescribe cases in which its assent may be presumed to have been given. But the Finance Department has refused to prescribe any case in which its previous assent may be presumed by the Forest Department. The result is that while the Divisional Forest Officers, Conservators and the Chief Conservator may grant forest rights up to a limit of four years under the Forest Code, the Minister of Forests can exercise no power at all without the previous assent of the Finance Department.

*Devolution Rule* 38 (1) (*a*).—Under this Rule, the Finance Department alone can sanction re-appropriation within a grant from one Major, Minor or Subordinate head to another. So far as Transferred Subjects are concerned, such powers should be given to the Minister in charge.

We have set out above the chief defects which we have discovered in the Reforms Scheme and in its working during the period we have been in office. The success achieved so far in spite of these defects is due to the generous and statesmanlike manner in which the Governor has worked the Reforms Scheme and to the help we have received from the Hon'ble Members.

J. A. MAUNG GYI.

U. MAUNG GYEE,—10-5-24.

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ENCLOSURE II.

*Notes of the Discussion at an informal Conference held on the 7th June 1924 in the Office of the Hon'ble Finance Member at Rangoon, to consider the Government of India's Home Department letter F.-166-Pub.-1924 of the 8th April 1924, regarding the working of the Government of India Act and the Rules thereunder.*

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PRESENT :

The Hon'ble Finance Member in the chair.
The Hon'ble the Minister for Education.
The Hon'ble the Minister for Forests.
Sir A. J. Anderson, Kt., C.S.I., M.L.C.
U. Ba Pe, M.L.C., Deputy President, Legislative Council.
Mr. L. Ah Yain, M.L.C., Bar-at-Law.

Mr. Mohamed Auzam, M.L.C., Bar-at-Law.
Mr. H. C. Khoo, M.L.C.
U. Maung Ba, M.L.C., Bar-at-Law.
Mr. C. H. Campagnac, M.B.E., M.L.C., Bar-at-Law.
Mr. O. de Glanville, O.B.E., M.L.C., Bar-at-Law.
Mr. P. N. Chari, B.L., M.L.C.
Mr. M. M. Ohn Ghine, Bar-at-Law, and
The Chief Secretary.

The Hon'ble Home Member was absent through indisposition.

NOTES.

The Chairman suggested that the conference should first consider the points brought forward in a letter and Memorandum received from Mr. Chari, and in a joint note by the two Ministers, and that any other points which any member present desired to bring forward should be mentioned and discussed subsequently.

2. *Mr. Chari's letter and Memorandum.*—Mr. Chari in his letter gave a list of charges brought against the Reforms Scheme during Indian Legislative Assembly debates in February and July 1923, and in newspapers. In his Memorandum he recorded his observations and suggestions on these charges remarking that his observations and suggestions were merely those of an outside observer whose personal knowledge of the actual working of the system was *nil*. The following are the charges :—

" A. *Affecting the Central Government.*—(1) Too much interference by the Secretary of State with the Government of India and consequently, absence of freedom of action and liberty of movement in the latter.

" (2) The Secretary of State has not transferred any of his powers to the Government of India in respect of control of Public Services.

" (3) No responsibility in the Central Government to the Legislature.

" (4) The existence of non-votable items in which even a nominal reduction for the purpose of drawing attention to grievances cannot be moved.

" (5) Under Section 45A, more subjects should be transferred from Central to Provincial subjects."

" B. *Affecting Local Governments.*—(1) No responsibility whatsoever in the case of Reserved Subjects, and even in the case of Transferred Subjects, the responsibility of the Ministers to the Council is not complete.

" (2) Absence of complete control by the Local Government over the Public Services of the Province.

" (3) The Ministers occupy a disadvantageous position as compared to Executive Councillors.

" (4) The Ministers have no control over their Secretaries and other subordinates.

" (5) The Transferred Subjects are starved while the Reserved subjects are favoured unduly.

" (6) There is no co-ordination between the two branches of the Government. The absence of collective responsibility in the Government as a whole, is a great drawback."

3. *Charges affecting the Central Government.*—The Chairman remarked that (as noted by Mr. Chari in his Memorandum) the conference need not concern itself with charges against the Central Government save in so far as they apply also to the Provincial Government. The Public Services Commission in its recent Report has proposed a very large transfer of control over the Public Services to Provincial Governments, and the acceptance of the Commission's proposals in this respect will go a long way to meet the second charge. As regards the fourth charge, which is applicable also to Provincial Governments, it is true that a motion does not lie during the Budget discussion for even a nominal reduction of a non-votable item of expenditure, but in practice such items do come under discussion, *e.g.*, in the last Budget Session of the Burma Legislative Council the object of the motion of the leader of the Nationalist Party to reduce the grant under the head " General Administration " by three lakhs was to secure the abolition or a reduction in the number of Divisional Commissioners whose salaries are a non-votable item. Mr. Khoo remarked that his motion regarding the contribution payable by the Local Government to the Central Government was ruled out under section 72D, sub-section (3) and expressed the view that much more latitude should be allowed in the Budget debates. The Chief Secretary pointed out that such matters could be brought forward in the form of Resolutions, and that it is undesirable to burden the Budget discussion with matters on which the Council cannot vote. The general feeling among members of the conference was that while the subjects detailed in sub-section (3) of section 72D might remain non-votable some provision should be made to regularise the discussion of non-votable items during the Budget debate so that the Local Government might know the views of the Legislative Council on such items. It was felt that although such subjects might be discussed in Resolutions, there was no certainty that a Resolution, even if admitted, would be discussed in Council.

The fifth charge regarding the paucity of Provincial subjects is brought with special reference to Burma in the note by the Hon'ble Ministers and is dealt with in the discussion of the proposals in that note.

4. *Charges affecting Local Governments.*—The first portion of the first charge, that " there is no responsibility whatsoever in the case of Reserved Subjects," is inherent in the structure of the Government of India Act. The modification of the Act in this respect is outside the scope of the reference to the conference. The second portion of the charge that " even in the case of Transferred Subjects the responsibility of the Ministers to the Council is not complete " is dealt with by the Hon'ble Ministers in their joint note.

The second charge, " absence of complete control by the Local Government over the Public Services of the Province " will be removed so far as all the Services in Transferred Departments are concerned by the acceptance of the Public Services Commission's proposals now under consideration by the Government of India. In this connection a reference was made to the Commission's proposal to appoint a Public Services Commission for India and the conference considered that there should be a separate Public Services Commission for Burma which would

deal with the recruitment for all services wholly under the control of the Local Government and replace the present system of nomination with the aid of Selection Boards.

The third charge is discussed with the second portion of the first charge in dealing with the Hon'ble Ministers' note.

As regards the fourth charge, the Hon'ble Ministers repudiated the suggestion that they have no control over their Secretaries. Their complaint of lack of authority over other all-India Service Officers in the various Departments under their charge is dealt with in discussing their joint note.

The Hon'ble Ministers consider that the fifth charge finds no support so far in the working of the Reformed Constitution in Burma. It was pointed out that owing to the unfavourable revenue returns since its introduction in January 1923 the question of distributing surplus revenue between Reserved and Transferred Subjects has not yet arisen in Burma. The Budget estimates both for 1923-24 and 1924-25 were considered and passed at Cabinet Meetings. At these meetings there was no difference of opinion between the Ministers and Members of the Executive Council regarding the allocation of the revenues and it had not been necessary for the Governor to exercise the power reserved to him by Rule 32 of the Devolution Rules of allocating the revenues and balances of the Province between Reserved and Transferred Subjects by specifying the fractional proportions of the revenues and balances which shall be assigned to each class of subject. No member of the conference suggested that this course should be adopted in Burma.

With reference to the first portion of the sixth charge that " there is no co-ordination between the two branches of the Government " the Hon'ble Finance Member remarked that from the first His Excellency the Governor had followed the practice, recommended by the Joint Select Committee of the House of Lords and House of Commons appointed to consider the Government of India Bill, of joint deliberations between Members of the Executive Council and Ministers sitting under his chairmanship, and of discussing all important subjects in all Departments at these Cabinet Meetings. The Hon'ble Ministers agreed and the Hon'ble Finance Member concurred that in Burma there is no ground for any complaint of absence of co-ordination between the two branches of Government. Mr. Chari suggested that this practice should be prescribed by inserting the following Rule as Rule 9A in the Devolution Rules :—" In all matters whether affecting Transferred or Reserved Subjects which in the opinion of the Governor involve any question of general policy, the Governor shall and in all other matters whether affecting Transferred or Reserved Subjects, the Governor may order the matter and the question involved to be brought for consideration and decision before a meeting of the Executive Councillors and his Ministers sitting together. The decision of the majority shall prevail. The provisions of sections 50 and 51 of the Act shall apply to such a meeting. The opinion of the Governor as to whether any matter involves any and what question of general policy shall be final."

With reference to the provision in the Rule that " the decision of the majority shall prevail " Mr. Chari explained that his intention in declaring that the provisions of section 50 of the Act should apply to such a decision was that the Governor should have the power to overrule the decisions of the Majority in the cases provided for under section 50.

sub-section (2) of the Act, namely decisions whereby the safety, tranquillity or interests of his province or of any part thereof are or may be, in the judgment of the Governor, essentially affected." The second portion of the charge, that "the absence of collective responsibility in the Government as a whole is a great drawback" is inherent in the structure of the Government of India Act. The Joint Select Committee attached "the highest importance to the principle that when once opinions have been freely exchanged and the last word has been said there should be no doubt whatever as to where the responsibility for the decision lies."

The Committee's views on this point are incorporated in paragraph III of the Instructions to the Governor which directs him "so to regulate the business of the government of the Province that so far as may be possible the responsibility for" Reserved or Transferred Subjects "may be clear and distinct."

5. Mr. Chari mentioned three further proposals which further quiry had brought to his notice. These were :—

(1) That proposals for new expenditure should be placed before the whole Government for consideration ;

(2) That the Ministers should have a voice in the selection of two out of the four nominated members of the Standing Finance Committee ;

(3) That as the Governor is an administrative officer and, unlike a Colonial Governor, takes part in the administration he should not be placed above criticism as he is by Burma Legislative Standing Order 17 (2) (iv).

As already explained the first proposal represents the present practice in Burma. As regards the second proposal Mr. Chari mentioned that he assumed that two out of the four nominated members of the Finance Committee were the Finance Member and the Finance Secretary ; consequently the suggestion was that the remaining two nominated members of the Finance Committee should be the nominees of the Government as a whole. The Finance Member explained that the only official Member of the present Finance Committee in Burma was himself and that the Finance Secretary was not a member. Of the remaining three nominated Members one was the choice of the Karen members of Council ; one was nominated by His Excellency without consulting the Ministers and the third was agreed to at a meeting of the Cabinet. The Finance Member remarked that he had no doubt that His Excellency would be quite prepared to consult the Ministers regarding all three nominated members of the Finance Committee other than the Finance Member. As regards the third proposal Mr. de Glanville pointed out that the Burma Legislative Standing Orders had recently been overhauled by a Committee which had expressly decided to leave Standing Order 17 unaltered.

6. The conference then proceeded to consider the Joint Note by the two Hon'ble Monisters. Their criticisms and suggestions are grouped under the following five heads :—

I. Provincialisation of Central Subjects ;

II. Transfer of Reserved Subjects ;

III. Relations between Governor and Ministers ,

IV. Authority over Officers ;

V. Relations with Finance Department.

7. I. *The Provincialisation of Central Subjects.*—The Hon'ble Ministers recommended that all matters excepting those relating to Imperial Defence and Foreign Relations should be provincialised on the ground that the Indian Legislature constituted as it is, does not, and cannot reasonably be expected to know or appreciate the special problems of Burma. Most members of the conference expressed their concurrence in this recommendation. The Chief Secretary remarked that the proposal was tantamount to separation, and the Finance Member said that proposals for the provincialisation of Central Subjects were outside the scope of the conference.

8. II. *Transfer of Reserved Subjects.*—The Hon'ble Ministers considered that all the Provincial Subjects may be transferred without any serious risk. They pointed out that the inclusion of the Rangoon University and Forests among the Transferred Subjects in Burma was regarded with grave misgiving, but that, as anticipated by the Finance Member, the Legislative Council had directed its criticisms to the Reserved rather than to the Transferred Subjects. Mr. Khoo supported this proposal which was generally approved by the Burman members of the conference. It was pointed out that the conversion of all Reserved Subjects into Transferred Subjects was the final step in the present stage of the Reforms ; that the division of subjects into Reserved and Transferred was an integral part of the present Constitution, and that recommendations to alter that Constitution were outside the scope of a conference assembled to consider difficulties arising from or defects inherent in the working of the Government of India Act and the Rules thereunder.

9. III. *Relations between the Governor and Ministers.*—Under this head the Hon'ble Ministers pointed out :—

(1) that although Ministers are held responsible to the Legislative Council for the administration of the subjects entrusted to them, under section 52, sub-section (3) of the Government of India Act, the Governor is empowered to cause action to be taken otherwise than in accordance with their advice if he sees sufficient cause to dissent from it ;

(2) that Ministers act separately, although important matters are brought up before a Joint Meeting of the Members and Ministers presided over by the Governor ; and

(3) that under the Rules of Executive Business, Ministers cannot negative the recommendations or overrule the decisions of Heads of Departments and Divisional Commissioners in matters of importance without the Governor's approval, with the result that the authority of the Ministers is impaired.

As regards the first point the Chief Secretary pointed out that the responsibility for the administration of Transferred Subjects rests not on the Minister but on the Governor guided by the advice of his Ministers (*vide* section 52, sub-section (3) of the Government of India Act). Mr. deGlanville pointed out that the Instructions to the Governor require him when " considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion " to " have due regard to his relations with the Legislative Council and to the wishes of the people of the Province as expressed by their representatives

therein." Moreover the Joint Select Committee on the Government of India Bill contemplated that "if after hearing all the arguments Ministers should decide not to adopt his advice, then.....the Governor should ordinarily allow Ministers to have their way, fixing the responsibility upon them." Mr. Chari drew attention to the fact that whereas the Governor under section 52 (3) is empowered to require action to be taken otherwise than in accordance with the advice of his Ministers, if he sees sufficient cause to dissent from their opinion, he can overrule his Executive Councillors only in matters "whereby the safety, tranquillity or interests of his Province, or of any part thereof are or may be in the judgment of the Governor, essentially affected." Mr. Chari suggested that in this respect the provisions of section 52 should be assimilated to the provisions of section 50 so that Transferred Subjects should be discussed by the Governor and his Ministers in Council and that the decision of the majority should prevail, subject to the proviso quoted above. This suggestion was approved of by members of the conference.

As regards the second point attention was drawn to the fact that the Joint Select Committee considered that "it should be recognised from the commencement that Ministers may be expected to act in consort together;" that it was better that they should so act, "and therefore that the fact should be recognised on the fact of the bill." Section 52, sub-section (3) lays down that "in relation to Transferred Subjects the Governor shall be guided by the advice of his Ministers unless he sees sufficient cause to dissent from their opinion." The use of the plural is presumably deliberate in view of the Committee's recommendation. More complete effect will be given to the recommendation by the adoption of the suggestion to assimilate the position of the Governor *vis-a-vis* his Ministers with his position *vis-a-vis* his Executive Councillors. All cases in which the Governor considered that the advice of the Minister in charge of the subject should be dissented from would, under the procedure contemplated, be discussed at the meeting of the Governor with both Ministers, when the opinion of the majority would prevail save in the cases provided for by section 50, sub-section (2).

As regards the third point the Finance Member remarked that the Rules of Executive Business apply equally to the Members of Council. The Rule to which exception was taken runs as follows :—

"7. (1) When it is proposed to negative the recommendations or to overrule the decision of the Financial Commissioner, Development Commissioner, a Commissioner of a Division, or a Head of a Department, in any matter of importance, the papers shall be submitted to the Governor before any orders to that effect are issued.

"(2) Sub-rule (1) does not apply in cases—

(*a*) where the divergence between the views of Government and the views of a subordinate authority is expressed in the form not of an order but of a suggestion; or

(*b*) where the proposals of a subordinate authority are admissible under or contravene standing orders or accepted principles, and the Government reply is based on such orders or principles."

The Finance Member said that it would hardly be consistent with the responsibility imposed on the Governor to allow Members of Council

and Ministers without his knowledge to negative the recommendations or to overrule the decisions of Heads of Departments and the Chief Administrative Officers under the Government. Mr. Chari and some other members of the conference were disposed to think that the Rule was not unreasonable.

10. IV. *Authority over Officers.*—Devolution Rule 10 provides that "no order affecting emoluments or pensions, no order of formal censure" and no unfavourable order on a memorial and no order of posting shall be passed in the case of an officer of an all-India Service without the personal concurrence of the Governor. The Hon'ble Ministers contend that this requirement lowers their status and weakens their authority. It was remarked that the recommendations of the Public Services Commission that the personnel required for the Superior Services in the Transferred Subjects should in future be recruited by Local Governments and not by the Secretary of State would give the Local Governments full power in regard to these Services. It would not, however, necessarily follow from this that a Minister would have powers to deal with officers so recruited as he pleased. These officers would be recruited under a mutually binding legal covenant enforceable in a civil court. It was pointed out that the tenure of the great majority of appointments in the Civil Services in England is quite independent of the Government for the time being in office.

11. V. *Relations with Finance Department.*—The Hon'ble Ministers have the following remarks under this head :—

(1) The provisions of Devolution Rule 42 which prescribe previous consultation with the Finance Department before any grant or concession of forest rights is made give that Department which is in charge of a Member of Council undue power over forests which is a Transferred Subject ;

(2) The Finance Department has refused to prescribe under Devolution Rule 45 any cases in which its assent may be presumed to have been given ; and

(3) The powers conferred on the Finance Department by Devolution Rule 38(1) (*a*) to sanction any re-appropriation within a grant from one Major, Minor or Sub-head to another should be transferred to the Ministers in the case of Transferred Subjects.

As regards the first point the Finance Member remarked that the previous consultation with the Finance Department prescribed by Devolution Rule 42 did not give the Finance Department any power over the Transferred Departments. If the Finance Department concurred in the proposals of the Hon'ble Minister and His Excellency the Governor accepted them they were acted on ; if the Finance Department did not concur with the Hon'ble Minister the question at issue was discussed and decided at a meeting of the Cabinet. The necessity for previous consultation with the Finance Department is due to the fact that grants and concessions of forest rights which require the orders of the Local Government usually involve large annual payments spread over several years. Financial considerations are therefore important and it would be anomalous if a reference to the Finance Department were not made before the Local Government committed itself. The Finance Member further remarked that in only two

or three cases had the Finance Department been consulted under this rule since the Reformed Government came into being on the 2nd January 1923. With reference to the statement in the Ministers' note that while the Forest Minister could grant no forest concession without a reference to the Finance Department Divisional Forest Officers, Conservators and the Chief Conservator could grant forest rights up to a limit of four years under the Forest Code, the Finance Member said that he had on more than one occasion suggested the advisability of imposing some restriction on these powers which were much more extensive than the corresponding powers in regard to grants and leases of land which were exercised by Deputy Commissioners and the Financial Commissioner. As regards the refusal of the Finance Department to take action under Devolution Rule 45 the Finance Member remarked that he had considered it advisable to defer the issue of orders till more experience had been gained of the classes of cases in which the Finance Department might prescribe that its assent might be presumed to have been given. As regards the suggestion that the powers of reappropriation of the Finance Department under Devolution Rule 38 (1) (*c*) should be transferred to the Hon'ble Ministers in regard to the subjects under their charge the Finance Member remarked that each Major Head in the Budget Estimate for 1923-24 formed a separate grant so that the powers of the Finance Department were restricted to reappropriation from one minor head to another within the same Major Head ; he added that he saw no objection to the Hon'ble Ministers' proposal provided that the re-appropriation did not involve undertaking a re-current liability ; in other words, that the reappropriation should not commit the Finance Department to find money in future years. He further explained that funds for expenditure not provided for in the sanctioned Budget Estimates of 1923-24 were obtained for the most part not by appropriation under Devolution Rule 38(1) (*a*) but by placing supplementary estimates before the Legislative Council, and explaining that owing to savings elsewhere in the sanctioned estimates the additional demands would not raise the total Provincial expenditure above the total provided in the Budget. The discussion closed without any decision of the conference regarding the amendment of the Devolution Rules referred to.

12. The Hon'ble Finance Member then asked each member of the conference what additional criticisms or suggestions, if any, he desired to make in connection with the working of the Reformed Constitution.

*Mr. Campagnac* suggested that the power conferred on the Governor by Burma Legislative Council Rule 22 (1) to disallow a Resolution " on the ground that it relates to a matter which is not primarily the concern of the Local Government " should be withdrawn so as to permit the discussion in the Burma Legislative Council of a Resolution on any matter affecting Burma. It was pointed out that the rule is not absolute and vests a discretion in the Governor. The general sense of the conference was in favour of its retention so long as the power was not used unreasonably.

*Mr. Khoo* suggested (*a*) that the number of nominated Members of the Legislative Council should be reduced, and the number of elected Members increased ;

(*b*) that Communal and Special representation should be abolished ; and

(c) that the Legislative Council should have power to abolish any appointment including appointments held by members of all-India Services.

*U Ba Pe* proposed that the Electoral Rules should be revised so as to provide that no British subject not born in Burma should be eligible to vote until he had resided continuously in Burma for 18 years.

*Mr. M. M. Ohn Ghine* considered that the Local Government should have complete power to reorganize all-India Services in Transferred Departments without regard to the rights of existing members of these Services. It was pointed out that disregard of existing rights was contrary to the present policy of Government of compensating any officer whose emoluments are affected to his detriment by the reorganization of his Service.

*Mr. Ah Yain* advocated financial autonomy for the Province. Mention was made of a suggestion that the Secretary of State should be moved to appoint a committee to investigate the financial relations between India and Burma with a view to this end.

# BIHAR & ORISSA.

Letter No. 945-C., dated the 7th July 1924.

From—The Chief Secretary to the Government of Bihar and Orissa,

To—The Secretary to the Government of India, Home Department.

In compliance with your letter No. F.-166-Pub.-1924, dated the 8th April 1924, I am directed to submit the following report on the working of the reformed constitution, which brings up to date the information given in my letter No. 1362-C., dated the 14th August 1923, and modifies, where necessary, in the light of the experience gained during the first session of the second Legislative Council, some of the conclusions then drawn. The bracketted references are to paragraphs of that letter.

2. The present report will deal mainly with the work of the new Legislative Council which was elected at the general election of November 1923 and held its first winter session at Patna, lasting 21 days (January to March 1924), but before proceeding to consider this, I am to make a few observations on the work of the last session of the first Council, regarding which bare statements without comment were submitted with my letter No. 1546-C., dated the 12th September 1923.

Three legislative measures came before the old Council at this session. The debate on the Bihar and Orissa State Aid to Industries Bill disclosed an anxiety on the part of the non-official members to increase the representation of the Council on the Board of Industries. An amendment was also moved that the Legislative Council should approve of all the rules made under the Act. These two incidents illustrate the growing desire of the Council to control the Executive and to participate by virtue of their status as members of the legislature in definitely executive work (paragraph 25). Of this there have been other signs and the tendency is likely to grow.

The Bihar and Orissa Food Adulteration Act was introduced by a private member and passed without a division on the 28th August, after an assurance had been given that it would not interfere with the medicinal preparations of the Unani and Ayurvedic systems.

The amendment of the Chota Nagpur Tenancy Act, excluding certain contracts of a commercial character regarding forest produce from the jurisdiction of the revenue courts, was also accepted as a non-contentious measure, and was passed without a division.

3. Several interesting resolutions were considered in the same session. A resolution to grant a general pardon to all political prisoners in order to render them eligible for election to the local Council was carried against Government, and was, it is believed, chiefly entertained for electioneering purposes as an effort to assuage swarajist opposition. A recommendation to abolish whipping as a punishment in jails was also carried against Government by 37 votes to 21.

When the Bihar and Orissa Local Self-Government Act was passed, a notification was issued by the Governor in Council in exercise of his powers under section 52A of the Government of India Act, excluding the Santal

Parganas from its operation, and rendering its application to the Chota Nagpur Division subject to "such exceptions and modifications as the Governor might think fit". A simultaneous notification under the authority of the Governor defined these exceptions and modifications. A resolution was moved, recommending the withdrawal of the notifications, and the debate turned largely on the question whether the district boards of these backward tracts should have official or non-official chairmen. The resolution was lost by 10 votes to 34, the local representatives from Chota Nagpur expressing the view that as the aboriginals were unlikely to be members of the district board, their interests would be safer in the hands of officials than of non-official settlers whom they regard as foreigners. To that extent the result was satisfactory, and it was fortunate that members were found to express the view of the backward section which is mainly concerned. But taken in conjunction with other debates on the subject, for instance in connection with the Santal Parganas, the discussion illustrates the dislike of the Council to recognizing any patent local features which justify administrative differences, in other words, a dislike to face the facts. The Council resents, in particular, the classification of certain areas as backward and the special powers conferred upon the Governor therein.

The fourth resolution, which was accepted by Government, appointed a committee to enquire whether any of the Orissa irrigation canals could be abandoned.

4. After the dissolution of the first Council the energies of all the local politicians were concentrated on the general election. The provincial leader of the congress party, Babu Rajendra Prashad, was devotedly attached to Mr. Gandhi, and adhered strongly to the boycott creed. The swarajist party in Bihar and Orissa consequently received little active support from the headquarters congress organization, which, however, preserved a benevolent neutrality in the *mufassal*. In constituencies for which swarajist candidates were run, the local congress committees gave them the benefit of their influence, and the combined services of the swarajist and congress organisations were freely placed at the disposal of the swarajist candidates for the Legislative Assembly.

Except in the few scattered constituencies where swarajist candidates stood for election, and in portions of the Tirhut division where agrarian questions excited interest, the election was fought on purely personal lines. The number of registered electors rose from 328,300 in 1920 to 338,500 in 1923. The latter figure, however, is still only one per cent. of the local population. The percentage of votes recorded rose from 30 to 40, and the number of uncontested elections fell from 29 to 22. These symptoms of interest in the elections were perhaps explainable by the greater activity of candidates, rather than by any increased keenness on the part of the electorate, which was largely ignorant and heedless of the intent and purpose of the whole business. There was little sign of any attempt to appeal to the electorate on the merits of particular questions and policies. The tactics employed were to secure the influence of individuals, and through them to influence the voters. The latter mostly vote as they are bidden. The fact that a money lender was elected by a Santal Parganas constituency attracted special notice, and enquiry [illegible]

the reply that the voters, regarding the elections as a matter of very minor importance, had thought it worthwhile to conciliate a natural enemy at so slight trouble to themselves. There was also a certain amount of arranging of seats among the candidates themselves. The profession of standing and withdrawing for a consideration is likely to grow in popularity. As an appendix to this letter is reproduced the summary of certain general aspects of the elections made by the special officer (Mr. Sifton) who superivised the arrangements. [Annexure G].

The elections resulted in a considerable change of Council personnel. The number of newly elected members was 42, and only 33 of the old elected members retained their place in Council. The lawyer element fell from 31 to 26, and the zamindars from 33 to 31. Twelve of the newly-elected members were classified as swarajists, and though the label was not perfectly distinct in all cases, they formed a fairly compact body which acted together and exercised considerable influence over the rest of the Council.

5. Statistics as to legislation, resolutions, questions, etc., in the first session of the second Council are given in the accompanying annexures A to F, and are discussed below.

6. The personnel of the Government (paragraphs 2 and 3) remained unchanged, but a small alteration was made in the distribution of business, the administration of the Excise Department being transferred from the Ministry of Education to that of Local Self-Government. This was done partly in order t o effect a more equal distribution of the work, and partly at the wish of the Muhammadan Minister who found his position in relation to this subject difficult. In fact no Minister is keen to be connected with a distasteful business.

7. Recently the orders of the Secretary of State have been received removing the post of Secretary to Council from the cadre of the Indian Civil Service, and sanctioning the appointment of a Fifth Secretary in the Civil Secretariat. The experience of the last session does not justify any hope that the volume of work thrown on the Secretariat by the enlarged Council will decrease (paragraph 11). Though there has been a slight diminution in the number of questions, reports are called for and information demanded to an extent which imposes a considerable strain on the Secretariat while the Legislative Council is in session.

8. As in previous years (paragraphs 4 and 5), no difficulty arose over the allocation of funds for new projects as between reserved and transferred subjects. Owing to the dissolution of the Legislative Council, the apportionment in 1924-25 had to be made without the advice of the Standing Committees. It was in round figures:—

| — | Recurring. | Non-recurring. | Total. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | Rs. | Rs. | Rs. |
| Reserved side .. .. .. | 94,000 | 7,77,000 | 8.71,000 |
| Transferred side .. .. .. | 8,36,000 | 14,93,000 | 23,29,000 |

9. Instead of the two Standing Committees which were constituted in the first Council for reserved and transferred subjects respectively, nine Standing Committees of the new Council were appointed under the orders of the Governor to advise the following departments :—

(1) Police, (2) Judicial and Jails, (3) Land Revenue and Forests, (4) Public Works (Irrigation), (5) Public Works (Roads and Buildings), (6) Medical and Public Health, (7) Education, (8) Excise, and (9) Development (including Industries, Agriculture, Veterinary and Co-operative Credit).

The object of the change was to increase the number of members who participated in these deliberations, and to encourage those interested in a particular subject to concentrate their assistance thereon. The former practice tended to throw the influence exercisable into the hands of one little group, which dealt with all departments, irrespective of their special knowledge of, or interest in, any.

10. Despite the generous treatment accorded to the transferred subjects in the allocation of funds for new projects, a generosity which the Ministers themselves acknowledged in their speeches introducing the budget for 1924-25, popular support was obtained for the view that the " nation building departments " had been " criminally neglected ". It was argued that any liberality shown to the transferred departments was merely a belated attempt to repair omissions of the past pre-reform lavish expenditure on the departments dealing with reserved subjects, and that there is still much leeway to make up. It can now hardly be said (paragraph 9) of the present Council that its members are satisfied with the allocation of funds. Indeed it would perhaps be more accurate to say that as long as any subjects are reserved, and as long as any items of the civil estimates are " non-votable ", a considerable portion of the Council will remain dissatisfied with any allocation. Many members would like to see the allocation made by the Council, and would abolish rules 31-35 of the Devolution Rules.

11. In the current year's budget the reserved expenditure is Rs. 342 lakhs and the transferred Rs. 182 lakns, as against Rs. 343 lakhs and Rs. 168 lakhs, respectively, in the previous year (paragraph 9). These figures are eloquent testimony to the growing attention which the transferred subjects are receiving. The Retrenchment Committee (paragraph 17) appointed in February 1921, submitted its report two years later in March 1923. Some of its recommendations, as for example, the abolition of the posts of Commissioners and Deputy Inspectors-General of Police were matters which could only be dealt with by the Government of India ; others, such as the reduction of a large number of sub-inspectors and constables required detailed examination ; others, again, were bound up with the wider question of the Indianization of the services. Taken as a whole, the report of the committee, though it contained many sweeping recommendations and some impracticable suggestions, had the advantage of resulting in a rigorous survey of all departmental expenditure. The actual curtailment that could be at once effected was, however, comparatively small, and resentment on this account probably accounted for the large number of motions of reduction of budget demands,

which were supported by a reference to the recommendations of the Retrenchment Committee. The attitude of Government towards the report of the Retrenchment Committee was fully explained in the course of the budget debates. Its chief recommendations emanated from the non-official half of the committee, and were not endorsed by the official members, who, in accordance with the orders of the Secretary of State, refrained from participating in the discussion of measures of economy which could only be effected with the sanction of that authority. Moreover the committee was appointed at a time when the financial outlook of this province was very black, when there was a very serious decline in excise receipts and steps had not yet been taken to enhance court-fees, water-rates and registration charges. The province appeared to be faced with bankruptcy, as annual expenditure exceeded revenue and balances were rapidly melting. Before the committee concluded its labours, the financial tide had turned, but meanwhile the retrenchment reports of other provinces had appeared, recommending drastic cuts in expenditure : the non-official members of the local committee were exhorted by the press to emulate the example of their confreres in other provinces, and these circumstances naturally tended to colour their recommendations, which in many instances far exceeded the bounds of possibility. In fact there is probably less scope for retrenchment in Bihar and Orissa than in any other province of India, because in view of its very limited resources its administration is perforce already conducted on the most economical lines that are consistent with efficiency. The aggregate expenditure per head of the population is considerably lower than in any other province. When the Retrenchment Committee for example proposed a cut of 16 lakhs, or more than 20 per cent, in police expenditure, they ignored the fact that police charges in Bihar and Orissa average Rs. 227 per thousand of the population, as against Rs. 306 per thousand in Bengal (the next lowest in this respect), and Rs. 742 per thousand in Bombay, which stands highest. It was impossible for Government to accept many of the larger recommendations of the committee, by reason of the fallacious theories upon which they rested.

12. During the first session of the second Council only three bills were introduced, and one the Bihar and Orissa (Central Provinces Municipal) Repealing Bill was passed. This was practically a non-contentious measure, having for its object the introduction in municipal affairs of the system of the Bihar and Orissa Municipal Act in place of the Central Provinces law, which the district had inherited from its previous connection with that administration.

It appears probable that the Bihar and Orissa Local Fund Audit Bill may arouse opposition, more particularly as regards those clauses which authorize the system of surcharge. It has already been represented as a device of the bureaucracy for cramping the free exercise of their powers by local bodies.

The third Bill, the Bihar and Orissa Aerial Ropeways Bill, 1924, designed to facilitate sand-stowing in collieries, may also not have a smooth passage, as a note of dissent has been filed on behalf of the Indian Mining Federation. The measure, which merely provides optional facilities for the construction of

this particular form of transport, should on the face of it excite little opposition, but there are signs that its object will be misrepresented and prejudice invoked.

The new Council has so far fought shy of agrarian legislation. The members elected as representatives of the raiyats on the tenancy platform are few in number, and though they would probably have the support of the swarajists, they have not yet felt their way clearly enough to raise the tenancy issue. One private member, a European lawyer, gave notice of a Bill to deal with the transfer of raiyati land, but had to resign Council on account of ill-health before further steps were taken. No subsequent attempt has been made to revive the Bihar Tenancy Bill (paragraph 38).

13. In the first session of the second Council ten resolutions were moved. Two of these, one relating to the publication of vernacular summaries of the Council proceedings and another to the reopening of the Saran canals, came before the new Council on the first day on which it met for serious business, and were of special interest as they gave Council its first opportunity of displaying its attitude towards Government and public affairs. There had been much talk in the press of the obstructionist aims of the swarajist party throughout India, and the question was how the existence of the small swarajist phalanx in the local Council would react upon the temper of that body as a whole. It was soon made clear that the Council realized the strength of its voting power and intended to prove that it should have its own way when it wanted. Both resolutions were carried with a happy disregard of previous history and financial considerations. During the term of the previous Council the vernacular reports of the proceedings had been distributed as an experimental measure through the agency of the Publicity Board. The work was found to be ineffective and expensive, costing some Rs. 60,000 a year (paragraph 76), and Government had accepted the advice of the Retrenchment Committee that the Publicity Board should be abolished and the summaries discontinued. In the recent debate Government preserved a neutral attitude, pointing out the previous history of the case and welcoming a discussion which would disclose the opinions of the new members, but the resolution was carried without a division after a disappointing debate in which only three non-official members took part. The second resolution concerned the Saran canals, which constructed in 1880, were worked during the first ten years of their life at a loss of nearly two lakhs of rupees, apart from their original cost of Rs. 7,25,000. The Gandak river from which water was to be taken has moved to the east, and were operations now to be revived, new head works would be required, which would, it is estimated, cost a crore of rupees. Only the mover of the resolution spoke and the Chief Engineer made an effective reply, explaining the facts and opposing the resolution as a waste of public funds. It was enough for the new Council that Government was in opposition. Here was an opportunity of showing that Council was the master, and the resolution was carried against Government by a majority of 33 votes to 17.

Of the remaining resolutions, two were frankly political. One, demanding the release of political prisoners, is apparently destined to become an annual feature of the Council proceedings, so long as even one convict of this category remains incarcerated. The resolution was carried against the oppo-

sition of Government which did not challenge a division, as the result was a foregone conclusion. The second resolution advocated the teaching of the *charka* in all aided schools. It was pointed out on behalf of Government that the cost of the proposal would be not less than 40 or 50 lakhs of rupees per annum, and that the proposal was as impracticable as it was expensive but it was carried against Government by 37 votes to 26, only four of the elected members voting against it. The debate was interesting as showing how strongly the *charka* appeals to the Indian community as a political emblem. It illustrated the anxiety of the members to respond to, or at least avoid offence to, the congress creed as put forward by Mr. Gandhi. While most of them had probably small belief in the *charka* as the basis of economic regeneration, they were reluctant to place on record any opposition to its introduction, and therefore supported the proposal. Some of the moderates limited their advocacy to *charka* instruction as a *voluntary* addition to the school curriculum, and in voting for the resolution took cover under an imagined ambiguity in its terms, though the mover explicitly stated that its object was to introduce spinning as a compulsory subject in all schools.

A resolution was moved by the only aboriginal member in the Council, a Ho of Singhbhum, that the people of that district should be permitted to take fuel, *sabai* grass and house materials free of charge from the protected forests. The swarajists section of the Council supported the resolution, and took the opportunity of making a general attack on the forest policy of the local Government. The virulence of the attack in some quarters was only equalled by its ignorance. Government explained and defended its forest policy, but did not oppose the resolution, as the rules already give *bona fide* residents of the Kolhan Government estate in Singhbhum the privileges demanded, subject to such supervision and restrictions as are necessary to secure the continued existence of the forest.

A resolution asking Government to create a department for the management of all endowed estates was passed in an amended form restricting Government activity to an enforcement of the Musalman Wakf Act, as the Hindu members objected to any interference with Hindu estates. An attempt to limit court-fees, which had been raised by the Amending Act of 1922 (paragraph 53), was defeated by the casting vote of the President.

A resolution on the subject of the separation of executive and judicial functions called upon Government to publish within three months its final conclusions on the report of the committee which had dealt with that question, and to make provision for giving effect to the scheme in the budget of 1924-25. Government in vain explained that the legislative portion of the recommendations was pending with the Central Government and that no final conclusions were possible till that question was settled. The general attitude of Council was that Government was deliberately delaying a measure on which non-official opinion was unanimous, and the first portion of the resolution was therefore carried against Government. It was a sign of grace that the financial portion of the resolution was rejected by a small majority of votes, as it clearly offended against all financial canons to make budget provision for a scheme that had not been sanctioned or even finally shaped.

The remaining resolutions call for no special notice.

14. Fourteen resolutions in all were disallowed. Of these two were disallowed by the President and the remainder by His Excellency the Governor.

Of the two resolutions disallowed by the President, one recommended amendments in the Standing Orders, and was disallowed on the ground that a resolution could not be used for this purpose. The other, which recommended the release of all *diaras* formed in a certain small locality to the landlords of the villages concerned and the refund to the landlords of revenue recently collected, was disallowed on the ground that it did not relate to a matter of general public interest. Undeterred by this rebuff, the member concerned brought the same question up at the stage of voting for grants by moving a nominal reduction of the whole land revenue head.

Of the resolutions disallowed by the Governor five related to the release of Mr. Gandhi. These resolutions, which were all in substantially the same form, recommended the transmission by the Local Government to the Government of India of the opinion of the Council that Mr. Gandhi should be immediately released.

Of the other resolutions disallowed, four recommended the transmission of the opinion of the Council to the Government of India and the Secretary of State that dyarchy should be abolished and provincial autonomy established.

Of the remaining three resolutions one related to a proposal for subdividing the Patna municipality, one recommended the revision of the entire judicial system of the trial and execution of cases, and one recommended the withdrawal of the Merchant Shipping Act.

All these resolutions were disallowed by His Excellency on the ground that they related to matters which were not primarily the concern of the Local Government.

15. There were no motions for adjournment, or for amendments of the Standing Orders. A member gave notice of a resolution recommending the amendment of the Standing Orders to enable members to explain in Hindustani the purport of their speeches. The resolution was disallowed by the President on the ground that the amendment of the Standing Orders could not be effected by resolution, but only by the special procedure laid down in the Standing Orders themselves.

A somewhat unusual method of procedure, sought to be adopted in a case where, as it was expressly admitted, no resolution was permissible, deserves special notice. A member gave notice that he intended to move under the Standing Orders for submission of an address to His Excellency the Governor, asking the Governor to transfer the portfolio of the Political Department to the Indian Member of the Executive Council. It was contended that this proposal fell within the purview of Standing Order 76, under which "communications" from the Council to the Governor shall be made, (1) by formal address, after motion made and carried in the Council, and (2) through the President. The Governor held that the distribution of executive business being his personal concern it was not open to discussion by resolution or other-

wise in the Council. Further that it could never have been the intention of Standing Order 76 to override all restrictions upon the moving of resolutions by the simple device of calling them " communications." The member in question sought, unsuccessfully, to obtain a ruling from the President that His Excellency's decision was *ultra vires*. The incident, however, points to a defect in the Standing Orders, which might be misused.

16. It is from the debates on the budget that an appreciation can best be formed of the attitude of the non-official members of the Legislative Council, and it is evident that the opportunity which the budget discussion affords them of displaying resentment at the limits imposed by the constitution is welcomed by many. The attitude of the second Council, as a whole, was certainly affected by the inclusion within its numbers of the small compact body of swarajists, who acted together and took their cue from the performances of the swarajist party in other provinces, where its strength was proportionately much greater than in Bihar and Orissa. There was a feeling in the air that this province should not lag behind others in its practical handling of the budget, and that the Council would fail in its duty if it did not show Government its power of control and its keenness for retrenchment by making serious cuts in some of the reserved grants. The attack was opened on the land revenue budget. A provision of Rs. 85,000 for kanungos, who are permanent officials carrying out certain subordinate revenue duties in the districts, was refused on various grounds, mostly inconsistent and conflicting, in spite of the fact that Government promised a full enquiry regarding the working of the service and the possibility of making other arrangements for the execution of its duties. An attack on the settlement grant of the Santal Parganas failed, as Council recognized that it was animated by the grievances of a few individual zamindars. In a debate which followed on a nominal reduction of the land revenue grant, several members took the opportunity of ventilating their opinions on the superiority of permanent over temporary settlements. The ignorance of facts displayed on this subject and in a subsequent discussion of the forest policy of Government was very marked, as also the want of perspective shown. The total time allowed for discussion of the budget is fixed by the Governor and is necessarily limited, but for the better part of two days members allowed themselves to be engrossed by a small grant of Rs. 40,000 provided for a steam launch, which was to be shared by the magistracy and the excise staff of the Cuttack district. This item was eventually passed, but its discussion reduced the time available for consideration of the larger items. The excise grant is always a target of attack, on account of the genuine dislike felt by many members for the growing excise revenue of the province. A proposal to reduce the demand under the head " 6—Excise " by Rs. 10,00,000 was defeated by 35 votes to 23, because some non-official members recognized that without excise revenue no improvement could be effected in the " nation-building " branches of the administration. Several members, however, including the swarajists, manifested a keen desire for total prohibition at all costs. The irrigation budget came in for attack, purely because Government had refused to take action on a previous Council resolution recommending that the enhanced water-rates of the Son canals should be reduced to their former figure. A proposal to cut out the provision for Superintending Engineers was rejected

by a majority of one, but a reduction of 10 per cent. in the total irrigation budget, involving a sum of Rs. 1,23,000, was carried, regardless of consequences, by 32 votes to 24.

On the general administration side, the Board of Revenue Commissioners, and the Santal Parganas staff were assailed. The Board of Revenue was only the stalking horse of an attack on Government for alleged failure to interfere in a collision between the non-co-operators of the Bettiah municipality and the management of the Bettiah estate, which is under the Court of Wards. An animated debate took place, but Council recognized that the connection of the incident with the Board of Revenue was too thin to stand, and rejected by a narrow majority the motion for reduction. The attack on Commissioners was more successful. Commissioners themselves are " non-voted," but the Council refused the entire grant for their office establishments, by way of showing its resentment that Government had not abolished Commissioners on the recommendation of the non-official members of the Retrenchment Committee, a measure which was beyond the competence of the local Government, even had it been acceptable. The administration of the Santal Parganas was attacked under cloak of a reduction in the demand for the staff of the Provincial Executive Service. This was carried by the Council, in the face of all explanation, as a protest against the refusal of Government to comply with a resolution of the first Council, recommending that the special system of administration in the Santal Parganas (established under sections 52A and 71 of the Government of India Act) should be abolished (*c.f.* paragraph 3 of this letter.) The amount involved was Rs. 1,46,000. Two large reductions were carried in the grants of the Public Works Department, 10 per cent. being cut off reserved works and 5 per cent. off transferred works. The object of this reduction was not very clear, since the accumulated non-recurring balances are considerable, and if buildings are wanted, the sooner they are constructed the better. But the Council has a rooted belief that excessive sums are spent on buildings, and possibly members had a vague idea that they were effecting an economy. In fact the cuts were of less practical consequence, as the expenditure of the department unfortunately ordinarily falls short by a considerable margin of its annual estimates.

A proposed reduction of Rs. 7,00,000 from the police budget was only defeated by one vote. Every year the expenditure on the police is attacked. The suggestion that money should be taken from police administration to spend on industrial education or on agricultural improvements is popular in the constituencies, though any definite proposal to abolish a particular police station is as a rule keenly resented in the locality concerned. The bearing of the Retrenchment Committee's recommendations on this motion of reduction has already been discussed. It is to the credit of Council that the motion was thrown out; also that an attack on the grant for expenditure connected with the share of the province in the British Empire Exhibition (already endorsed by the previous Council) was rejected.

17. In 1924, for the first time, His Excellency the Governor found it necessary to exercise his powers under section 72-D (2) (*a*) of the Government of India Act in regard to four reductions voted by the Legislative

Council which related to reserved subjects. These were (1) the grant for kanungos (in part), (2) the grant for irrigation, (3) the grant for Commissioners' offices, and (4) the grant for provincial officers (Santal Parganas).

18. From these budget debates it is perhaps permissible to draw the following conclusions as to the principles which the majority of the non-official members hold : —

(1) There is a dislike of the All-India Services and resentment at their salaries being non-votable.

(2) Any attempt to raise revenue, as, for example, by an increase in water rates, is keenly opposed.

(3) There would be general acquieseence in lower standards of administration, provided these were cheaper. The Council would gladly abolish Commissioners and Deputy Inspectors-General and they consider inspecting officers an unnecessary luxury.

(4) The Council despite the teaching of experience in the past attack the action of Government in seeking to safeguard the interests of the aboriginals as merely a pretext for opposing non-official interference, irrespective of the merits.

(5) The future of the Excise Department is extraordinarily precarious, though the actual consequences and implications of total prohibition have never been faced.

(6) Political rather than administrative considerations largely influence the voting of the budget.

19. Reference has already been made (paragraph 72) to the division of the Council into parties representing landlords and tenants respectively. In the absence of any agrarian legislation, cleavage on these lines has not been maintained. The swarajists now form a distinct party, organised and disciplined. They alone took advantage of the President's offer to secure a block of seats in the Council Chamber, and at present, as a party, they may be said, perhaps to exercise the most definite influence in the Council, actuated by the simple motive of universal opposition to Government. Most of its adherents wear *khaddar* and sport Gandhi caps. Two of them were allowed to address Council in Hindi, and whenever occasion arose (*e.g.*, in the debate on political prisoners) made declamatory speeches to the evident delight of their Gandhi-capped followers in the gallery of the Council Chamber. The numbers, however, of the Council swarajists are small, and they are not able to dominate the Council. It is outside the Council, in the municipalities and district boards, that their influence will be most felt for the present and may have the most far-reaching results. The party maintains its own organization in the constituencies (paragraph 77). This was freely utilized in the last general election, though its main efforts were directed towards the return of its candidates to the Legislative Assembly rather than the local Legislative Council. The swarajist party also received a certain amount of assistance from the general congress organization. This in the earlier days of non-co-operation was fairly complete, possessing a representative in nearly every village, with committees at the more important centres, and it collected

a considerable amount of money. Latterly, however, subscriptions, including *muthia*, or subscriptions in kind, have fallen off greatly, but its agents have been most assiduous in the towns during municipal elections and in the *mufassal* at the recent district board elections. Their success at the latter, except in Purnea and in the Patna division, has been remarkable, and will probably encourage the maintenance of the party organization.

20. The swarajist party (paragraph 78), at least so far as the Bihar and Orissa Council is concerned, has not so far been able to attain the ideal of making Government impossible or at least of necessitating the constant recourse to exceptional powers, but this is to be explained by the limitation of its numbers rather than by any deliberate adoption of the policy of responsive co-operation. As noted above, its numbers are insufficient to dominate the Council, but it has stiffened the opposition to Government proposals, which is more insistent and more effective than was previously the case. The use of *khaddar*, the cult of the *charka*, total prohibition, Indianisation and a decrease in expenditure on reserved subjects and on the All-India Services are the main items of its constructive programme. The redemption of the lower castes has not yet been seriously included. This party receives the support of most of the local provincial papers. It is doubtful, however, whether there is any real effective headquarters control over the organization as a whole. Funds are not as plentiful as they were; the more prominent leaders of the non-co-operation movement still adhere to the no-change party and at the recent district board elections there have been signs of internal dissension.

21. In the light of experience gained since the introduction of the Municipal Act it is now possible to attempt a forecast of the working of the new system which (paragraph 33) transferred local administration from official to non-official hands. On four of the new municipal boards it is reported that non-co-operators form a majority. In eight the chairmen are described as belonging to this party, but, with the exception of one municipality (Bettiah), no signs are at present evident of deliberate recalcitrance or of unwillingness to apply for or accept financial assistance from Government. It is, however, too early to prophecy as to the future. In the larger municipalities complaints as to maladministration are numerous, and reports received from the Divisional Commissioners indicate a general lowering of the standard of administration. In some towns, tax-payers' associations have been formed, affording some evidence of public opinion hostile to the municipal commissioners. The advice of Government officers is not sought by the municipal authorities; their interference is resented. The recognition of the "indispensable services" of officials (paragraph 19) is at present displaced by a few, yet increasing, number of ratepayers. Whether the discomfort arising from inefficient administration will be sufficient to place municipal elections above personal or party politics remains to be seen. Severe criticisms have appeared in the local press of the state of affairs existing in more than one municipality. The idea seems to have been prevalent that with the advent of the people's representatives and the removal of official control all abuses would disappear as if by magic. But ratepayers are beginning to find out that this is not the case, and that, if anything, municipal administration is worse than it was in the pre-reform days.

22. The elections (paragraphs 33 and 89) have now taken place for the district boards. In the Tirhut, Bhagalpur and Orissa divisions, the non-co-operators or swarajists (it is often difficult to distinguish between them) have swept the board. In the Patna division they have received a notable set back, having failed to secure more than a few seats on each board. In two districts of Chota Nagpur (Hazaribagh and Manbhum) the Swarajists have been successful. In Ranchi and Singhbhum districts the aboriginals decided to return their own candidates. In Palamau the election aroused very little interest, and was not fought on party lines. Of the candidates put forward by the congress and swaraj parties, most have had no experience whatever of district-board work, some indeed being immature youths, others victims of the Criminal Law Amendment Act, others again paid lecturers or organisers of the two parties.

As justifying serious apprehension, the composition of some of the district boards may be mentioned. Of the elected members on the Bhagalpur district board, 20 are reported to belong to the swarajist party. Only one member has had any previous experience of district board work; three are paid workers of the non-co-operation party, one being an *ex*-internee and previously believed to be an active revolutionary ; two of the members are also members of the Legislative Council.

In Muzaffarpur of thirty elected members only three have any previous experience. Nineteen are declared non-co-operators, of whom eleven had been previously convicted under the Criminal Law Amendment Act or bound down under the Criminal Procedure Code. The Saran district board consists of thirty elected members, of whom twenty-three are believed to be connected with the non-co-operation party. Of these five are described as students, two were dismissed from the post of head constable ; two were formerly clerks in the Hutwa Raj whose services were dispensed with ; two are *ex*-school masters. The annual income of this board is nearly seven lakhs of rupees.

In Puri out of twenty-one elected members fifteen belong to the swarajist party, six being paid workers ; four are said to be young boys fresh from school.

The non-co-operators contested the elections as an organized party assisted by honorary and paid officers and volunteers. In most districts they nominated one candidate for each vacancy, the candidates being selected by a small caucus known as the district congress committee, consisting chiefly of lawyers. The percentage of votes cast to the electorate in many districts was remarkable, but attendance at the polls was due to influence and persuasion by candidates or their agents, not to any interest in the working of the district board. The masses are at present too ignorant to understand the value of the franchise. One District Magistrate reports that "not one voter in a hundred or more even realized in the slightest degree what he was actually voting for or what result his vote was likely to have." The annual revenue at the disposal of the district boards amounts to Rs. 1,20,51,000 the annual income of municipalities for the past year was Rs. 35,39,700. Both in the municipalities and district boards the members will undoubtedly get the opportunity of acquiring considerable local influence. What the future of local self-government will be in the hands of such irresponsible persons cannot but be a matter for serious anxiety.

23. In their previous report of the 14th August 1923 the Local Government supplied a full account of the political conditions which had attended the working of the Reform system during the first two and a half years of its existence, that is, since its introduction in January 1921 till the date of the report. It was shown that a long continued term of violent agitation and acute unrest (paragraphs 81-83) had been succeeded by a period of comparative calm (paragraphs 84-85) and that the questions of greatest political interest at the moment of writing were whether the section of the congress which favoured Council entry would make headway against the opposition (active or passive) of the no-change party, and what success would attend the efforts of the latter to capture local institutions. These questions have both been answered in the foregoing paragraphs (4 and 19-22). Apart from these developments there has been no other outstanding provincial political event which has had any material influence on the working of the Reforms system during the past ten months.

It was largely a matter of luck that the swarajist party in the new Council was as small as it is, and that Bihar and Orissa escaped the difficulties which have been experienced in Bengal and the Central Provinces. If before the general election, the provincial congress leader had not stood out so strongly against the policy of Council entry, if the swarajist organization had been more complete and candidates had been set up for all constituencies with a promise of active support from the local congress committees, if the elections had even been held three months later, when the cleavage between the swarajist and the no-changers was locally less acute, it is quite likely, judging from the results of subsequent municipal and district board elections, that the swarajist party would have carried the day in a great many more constituencies and would have had a working majority in Council. It is equally possible that, possessed of this majority, they would have used it, as in Bengal and the Central Provinces, to render the conduct of the administration impossible except by utilization of the emergency provisions of the Government of India Act.

The success which the combined forces of the non-co-operation and swarajist parties have obtained in the Local Self-Government sphere is, in the opinion of His Excellency in Council, the most serious factor in the new situation with which Government are faced. If responsive co-operation be adopted as the new watchword of the leaders, the responsibilities of administration in the local self-government sphere will have a sobering and educative effect, and all may yet be well. But if their ascendancy and control over the masses be used to foster revolutionary aims or to start a general campaign of civil disobedience, disorder will be the inevitable result.

24. This letter completes the actual picture of the working of the Reforms system during the past three and a half years, for which the Government of India have asked in paragraph 2 of Mr. Crerar's letter, no. F.-166-Pub., dated the 8th April 1924. The local Government propose to deal in a separate communication with that portion of the enquiry, initiated by the same letter, which is directed towards the removal of defects and difficulties in the system by changes in the rules under the Government of India Act or, possibly, by minor changes in the Act itself.

## ANNEXURE A.

*Bill passed by the Second Bihar and Orissa Legislative Council at its 1st session.*

The Bihar and Orissa (Central Provinces Municipal) Repealing Bill, 1924, was passed by the Council on the 8th March 1924. It provides for the extension of the provisions of the Bihar and Orissa Municipal Act to the district of Sambalpur so as to bring that district into line with municipal administration in the other districts of the province.

## ANNEXURE B.

*Budget motions, 1924.*

| | | |
|---|---|---|
| | (*a*) Number of motions for the reduction or omission of demands of which notice was given. | 137 |
| | (*b*) Number of budget motions actually moved .. .. | 28 |
| *Vide* Statements attached. | (*c*) Number of budget motions opposed by Government but carried. | 6 |
| | (*d*) Number opposed by Government and defeated after a division. | 6 |
| | (*e*) Number opposed by Government and defeated without a division or withdrawn. | 13 |
| Ditto. | (*f*) Number accepted by Government or withdrawn on promise that a reduction would be made. | 3 |

*Supplementary Budget demands, 1924.*

| | |
|---|---|
| (1) Number of supplementary demands .. .. .. .. | 14 |
| (2) Number carried after a division .. .. .. .. | *Nil.* |
| (3) Number defeated after a division .. .. .. .. | *Nil.* |
| (4) Number carried without a division .. .. .. .. | 14 |
| (5) Number withdrawn .. .. .. .. .. | *Nil.* |

## ANNEXURE C.

*List of Budget motions opposed by Government but carried.*

| Serial No. | Reference to date and page of Council proceedings. | Budget motions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 6th March 1924 (Volume IX, No. 12, page 629). | Omission of the provision of Rs. 83,290 for "Kanungo establishment". | 28 | 25 | |
| 2 | 12th March 1924 (Volume IX, No. 17, page 923). | Reduction by Rs. 1,23,226 of the demand under the head "Irrigation". | 33 | 24 | |
| 3 | 12th March 1924 (Volume IX, No. 17, page 974). | Omission of Rs. 1,79,077 (the voted portion of the provision of Rs. 3,59,077) from the "Total main office of Commissioners of Divisions". | 37 | 27 | |
| 4 | 13th March 1924 (Volume IX, No. 18, page 1013). | Reduction by Rs. 1,46,100 from the provision of Rs. 16,65,800 for "Pay of officers voted" (Santal Parganas). | 32 | 27 | |
| 5 | 18th March 1924 (Volume IX, No. 21, page 1267). | Omission of the item of Rs. 10,700 for acquisition of a house within the Monghyr Fort for the residence of a deputy magistrate. | .. | .. | No division. |
| 6 | 18th March 1924 (Volume IX, No. 21, page 1276). | Reduction by Rs. 2,12,777 of the demand under the head "41—Civil Works Reserved". | 28 | 18 | |

## ANNEXURE D.

*List of Budget motions opposed by Government and defeated after a division.*

| Serial No. | Reference to date and page of Council proceedings. | Budget motions. | Division. | | Remarks |
|---|---|---|---|---|---|
| | | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | Volume IX, No. 13, page 728. | Reduction by Rs. 10,00,000 of the demand under the head "6—Excise". | 23 | 35 | |
| 2 | Volume IX, No. 17, page 927. | Omission of the provision of Rs. 40,972 for "Superintending Engineer". | 23 | 25 | |
| 3 | Volume IX, No. 17, page 934. | Reduction by Rs. 10,000 of the provision (voted portion of Rs. 88,270) for the "Board of Revenue". | 28 | 30 | |
| 4 | Volume IX, No. 18, page 1033. | Reduction by Rs. 7,00,000 of the demand under the head "26—Police". | 30 | 31 | |
| 5 | Volume IX, No. 24, page 1255. | Omission of the item of Rs. 25,000 for "Purchase of stock to execute orders received at the British Empire Exhibition". | 20 | 28 | |
| 6 | Volume IX, No. 21, page 1314. | Reduction of the item of Rs. 1,52,539 for "Stationery and Printing (Reserved)" by Rs. 96,448, the price of six linotype machines. | 20 | 24 | Division was taken by show of hands. |

## ANNEXURE E.

*Budget motions accepted by Government or withdrawn on promise that a reduction would be made.*

| Serial No. | Reference to date and page of Council proceedings. | Budget motions. | Division. | | Remarks. |
|---|---|---|---|---|---|
| | | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | Volume IX, No. 16, page 875. | Reduction by Rs. 15,000 of the item of Rs. 90,000 for "Temporary Establishment" under the head "9—Registration". | .. | .. | Assurance was given that as few temporary hands will be employed as possible, and the motion was withdrawn. |
| 2 | Volume IX, No. 20, page 1149. | Reduction by 5 per cent. of the demand under the head "26—Police". | .. | .. | Assurance was given that an attempt would be made to effect further economies, and the motion was withdrawn. |
| 3 | Volume IX, No. 21, page 1309. | Reduction by 10 per cent. of the demand under the head "41—Civil Works Transferred". | .. | .. | Government agreed to reduce the estimate by 5 per cent., and a motion to that effect was made as an amendment and adopted by the Council. |

# ANNEXURE F.

| Resolutions. | Number. | REMARKS. |
|---|---|---|
| 1 | 2 | 3 |
| (*a*) Number of resolutions moved .. .. .. | 11 | |
| (*b*) Number of resolutions opposed by Government but carried after a division. | .. | Of these one was partially accepted by Government. |
| The number opposed by Government but carried without a division. | 1 | |
| (*c*) The number of resolutions opposed by Government and defeated after a division. | 1 | The voting was equal, and the resolution was defeated by the casting vote of the President. |
| (*d*) The number defeated without division or withdrawn | 1 | |
| (*e*) The number accepted by Government and carried | 1 | |
| (*f*) The number of resolutions not opposed by Government and carried. | 3 | |

*List of resolutions opposed by Government but carried.*

| Date. | Resolution. | DIVISION. | | REMARKS. |
|---|---|---|---|---|
| | | Ayes. | Noes. | |
| 1 | 2 | 3 | 4 | 5 |
| 12th February 1924 | Reopening of the Saran canals | 33 | 17 | |
| 13th February 1924 | Publication by Government of their final conclusions on the separation of judicial and executive functions. | 46 | 19 | The first part of this resolution was adopted without a division, and the last part defeated on a division. |
| 19th February 1924 | Compulsory teaching of spinning by charka in primary schools. | 37 | 26 | |
| 20th February 1924 | Establishment of an intermediate college at Ranchi. | 32 | 20 | |
| 20th Febr ry and 5th March 1924. | Release of political prisoners | .. | .. | No division. |

*List of resolutions opposed by Government and defeated.*

| | | | | |
|---|---|---|---|---|
| 5th March 1924 .. | Fixing of maximum limit of court-fees on plaints. | 22 | 22 | Defeated by the casting vote of the President. |

## ANNEXURE G.

The candidates generally did not introduce themselves personally to their electorate. Public meetings in connection with the elections were almost unknown, some candidates naively expressing a fear that such meetings would be attended only by their opponents and not by their own party. Political canvass was almost entirely the canvass of leading residents of the constituency who could command votes, zamindars who would marshall their tenants to the poll and lawyers who would influence their clients. Election addresses which set forth the past public services of the candidate rather than his future policy were issued in some places, but not broadcast; election posters were limited to a few constituencies; handbills with exhortations to vote for a particular candidate, or more explicitly for a particular colour, were the commonest means of appeal. But these contained no argument and no explanation of the political position, and even the fairly educated portion of the electorate must have been very much in the dark on the meaning of the election, and on the reasons why they should vote for one candidate rather than the other. From the percentage of votes polled it might be imagined that there was great interest and enthusiasm connected with the election, but the local officers report that there was practically no interest except in North Bihar, where the contests were between representatives of the raiyats and their landlords, and in a few of the urban constituencies. Elsewhere electors voted generally to order and not from choice, and one candidate even lodged a formed protest against the ballot boxes being kept in a private room because his agents were unable to see if the electors were voting according to their instructions.

One may search in vain for signs that three years of the Reforms has educated the electorate to the meaning of an election and the business of a legislature. From every district the reports of the presiding officers declare that a large proportion of the voters did not know the name of the candidate for whom they voted but had only been told the colour of his box. Many voters after entering the polling booth threw away their ballot papers remarking that they had been forced to come by fear of a fine, but would not vote for any body. A large number believed the voting to be concerned with a question of the chaukidari tax (the only tax they knew), whether it should be increased or not, or whether it should be paid to the Sarkar or to Gandhi Maharaj. It is still a common belief, as at the election of 1920, that electors are required to vote by a Government order, and villagers marched to the polling booth by companies escorted by their chaukidars; this belief accounts for the extraordinary polls, some times exceeding 80 per cent., in rural districts where a polling centre served an area with a radius of eight miles or more. The townsfolk being more sophisticated voted in fewer numbers, though their polling station was not more than a mile from their homes.

It is fair to recognize that in the entry of the Swarajya candidates into Council we have the first signs of the formation of a party system. Except for the few cases where raiyat's candidates were standing for election, the remainder of the constituencies voted for a person and not a policy. The majority of the Swarajya candidates were personally of little standing, but

they had some notion of organizing an ignorant electorate on party lines to vote against the Government. And if the party system is an integral part of the democratic constitution which has been bestowed upon India, they may take credit for their part in beginning the education of the masses in democratic Government. But they have also revealed the amazing credulity and ignorance in the electorate which has to be overcome. They have conjured with the name of Mr. Gandhi to such an extent that voters have been convinced that Gandhiji was a candidate for their constituency and have left the poll in disgust on finding their mistake. They have attributed to their opponents responsibility for raising the price of post-cards, salt, oil, cloth and all the other necessities of life; they have promised to effect a millennium of no rent and no taxes if elected. They have even exploited the superstition of the masses in regard to the colour of the voting boxes; if their candidate's box was green, this was the colour of the raiyats' rice crops, and of the jungles they were to make their own. If the other candidate's box was white, let those who voted in it beware of white leprosy. These and similar arguments were used with some effect. It is not to be supposed that all their calumnies and all their promises were believed, but their programme at least concerned matters directly affecting the electors, while the supporters of the other side could only canvass the amiable personality of their candidate. Thus callow youths, in themselves insignificant, could secure election because they stood for a party and a policy, while their opponents stood for nothing but themselves.



M574BD

No. 1031-C., dated the 23rd-24th July 1924.

From—E. L. L. HAMMOND, ESQ., C.B.E., I.C.S., Chief Secretary to Government of B. and O.,

To—The Secretary to the Government of India, Home Department.

SUBJECT.—*Working of the reformed constitution.*

I AM directed to reply to your letter no. F.-166, dated the 8th April 1924, on the subject of the working of the existing constitution. My letter no. 945-C., dated the 7th July 1924, brings up to date the history of the Reforms given in Mr. Sifton's letter no. 1362-C., dated the 14th August 1923, and includes an appreciation of the political situation in the province of Bihar and Orissa as the result of the election of the second Legislative Council, as well as the recent developments in the arena of local self-government. I am now to report the result of the enquiry made into the difficulties experienced in the working of the Government of India Act and the Statutory Rules thereunder, and the remedies that have been suggested. The opinions of the two Ministers, of one ex-Minister (Mr. Madhusudan Das),* and of the President of the Legislative Council (the Hon'ble Khan Bahadur Khwaja Muhammad Nur), will be found in Annexures I to III to this letter, but it is to be noted that the Ministers were subsequently consulted on specific points arising out of the discussion and their views thereon are dealt with in the appropriate paragraphs. Apart from the gentlemen mentioned above, officials only were consulted by the local Government.

2. The enquiry has been limited to the feasibility and possibility of an advance within the Act or the Rules, and has not extended to any structural alteration of the constitution, an important limitation, precluding the consideration of remedies which might be sought " in an advance towards a further stage of constitutional development ". Attention has been concentrated on the possible removal of " administrative imperfections ", by action to be taken under the Act or Rules, or by such amendments of the Act as do not involve any radical change in the constitution. In other words this reply is based on the assumption that the system of diarchy is to continue, and that any discussion of its merits or demerits is outside the terms of reference.

3. *General defects inherent in the principle of diarchy as such.*—Yet the fact must be faced that the replies received, which may be taken as typical of official opinion in this province with a slight non-official admixture, show that there are certain features inherent in the principle of diarchy as such to which exception is taken, and much criticism has been directed against the system rather than its working. The opinion is frequently expressed that it is not the administration of the Act that is at fault, but the Act itself, and that only a radical modification of the Act will satisfy its opponents.

Into this discussion His Excellency in Council does not propose to enter. It would at present be premature to discuss whether it is now desirable " to extend, modify or restrict the degree of responsible Government " (section 84-A of the Act). The point at issue appears to be

*NOTE.—Mr. Das has intimated that his opinion is subject to explanation Enquiry Committee.

whether anything can be done to remove friction in the working of an admittedly transitional constitution as it at present exists. Though the examination of the working has revealed a general dislike of diarchy, as such, His Excellency in Council refrains from discussing at this stage the definite issue as to whether this divided system of Government can continue or whether it must be replaced by provincial autonomy, which, though the phrase is vague, may be interpreted for practical purposes as the transference of all the executive powers of the administration to Ministers existing on the sufferance of the Legislative Council, and *ex-hypothesi* immune within the sphere allotted to them from control by the Secretary of State or the Government of India. This would involve the repeal of the Act of 1919, and is altogether outside the terms of the reference.

4. *Political atmosphere at time of the inauguration of the Reforms scheme.*—Before seeking remedies for the total or partial failure of the existing constitution, it seems desirable to consider what have been the reasons for that failure, to what extent it has been due to external causes and how far the explanation lies in its own inherent defects. Here it must be recognized that the Reforms scheme never had a fair chance from the beginning. Diarchy was at the best a delicately adjusted machine, for the smooth working of which an atmosphere of good will was essential ; but the Reforms scheme was inaugurated in the midst of the stormy atmosphere generated by the Rowlatt Act, the civil disobedience movement, the Punjab tragedy and the Hunter Committee's enquiry The Royal amnesty of December 1919 had little effect in calming the storm : from the first the Reforms were rejected contemptuously by the extremists, who made up their minds to boycott them completely (Mr. Gandhi waited till the Hunter report came out before he endorsed this decision) ; they were declared all along to be inadequate by the Sastri-Besant school of politicians ; and in consequence of this opposition they received only a lukewarm welcome from the moderate politicians, who, however, resigned themselves to making the best of them.

Throughout their course, the footsteps of the Reforms have been dogged by the growing hostility against the Government in power, which the non-co-operation campaign has raised throughout the country. That movement may have failed in its definite boycott aims, but it has not failed in the generation of hatred and disrespect of authority. It did not affect seriously the actual performances of the first Councils (they have all a record of useful work to show), because the boycotters were outside, but it deprived them of the interest and credit which they might have won from the public under normal conditions ; it kept their members in a state of nervous dread of the political agitation outside ; and, where the embargo on Council entry has since been removed, it has resulted in the return of new Councils which have either rendered, or threaten to render, the Reformed system of Government unworkable.

5. *Present political position.*—The absence of good will and the spirit of non-co-operation, which have so largely contributed to the failure of diarchy during the past three years, have unfortunately still to be reckoned with in any attempt to improve the system by minor remedies. The general political position in India at the moment is that we have the extremists divided into two camps, the boycott or no-change party and the swarajists or Council-entrants. Both are determined to wreck

the present Government in India, but while the former would proceed by the method of severing altogether the connection between the governing power and the governed (through boycott and civil disobedience), the latter consider that more success can be attained by wrecking the constitution from within. These two parties, or sections of the same party, at the moment have the ear of the masses. They have obtained control by playing on their ignorance and credulity, by representing Mr. Gandhi as a divine being, the Messiah of India, and by inculcating the belief that poverty and distress, wherever they exist in this country, are the result of alien domination. They are likely further to establish their hold over the masses through their recent capture of local institutions, which gives them command of funds as well as closer contact with the local population.

Apart from these extremists, we have the Sastri-Besant school, still loud in its clamour against the inadequacy of the Reforms, calling for the immediate concession of full autonomy in the provinces and some degree of popular control in the Central Government, and demanding all this as a necessary step towards Dominion self-government, which, they urge, should not be delayed pending the stages and subject to the conditions prescribed in the Act.

Moderate politicians have felt compelled to join in the demand for an advance, hoping perhaps that Government will do something that they can acclaim as a victory for moderation, something that will help them to meet the reproaches of the extremist school. In effect, however, in the actual demands as made there is little obvious difference between the two sides. These various views have induced an atmosphere of incessant agitation for further concessions, which has not only deprived the Reforms of substantial success in the past, but also threatens to render nugatory any attempt to make an advance within the four walls of the Act.

6. *Other causes contributing to failure.*—Apart from adverse political conditions there have been other causes which in a less degree have contributed to the non-success of the Reforms. Some of these may be briefly mentioned. First, the general financial stringency necessitated enhanced taxation, caused the postponement of striking popular schemes, and also led to unfortunate bickering over the inter-provincial financial settlement. Secondly, the failure to create a Ministerial party in the sense that the Ministers selected would bring in their train a party willing to follow them in a definite programme has deprived Government of assistance which was certainly contemplated by the authors of the Act, and has resulted in the absence of any working majority in the Council. The constitutional structure has been borrowed from England, but the foundation essential to carry it is lacking in India. In this respect the position of the reserved side of Government is particularly difficult. In many aspects the Council still remains divided into two parties—officials and non-officials—representing different sets of opinions and ideals, with the Government party in a permanent minority. Where the issue is not an anti-Government one on the political side, Ministers do have their following in Council, but they cannot bring this to bear on political issues and cannot therefore assist Government in times of difficulty.

As a third cause may be mentioned the general political inexperience of the country, and the reluctance of the average Indian member to face personal opposition or unpopularity.

Finally it has been represented that Government adopted wrong tactics in introducing the Reforms. It is characterized as anomalous that, while it is left to officials to interpret democracy to the elected representatives in the various Legislatures, Government officers are prohibited during an election from endeavouring to guide the electorate. His Excellency in Council agrees that theoretically the position is anomalous, but he considers that there are weighty practical reasons against any alternative course. When the non-co-operation movement was at its height and it was a question of fighting a dangerous attack on the safety of the State, Government officers were in fact encouraged to indulge in anti-propaganda, and if their efforts met with no great measure of success, it was because they could not cope with a campaign of ruthless mendacity in the villages. The exposure of untruth had to await the non-fulfilment of promises ; the knowledge that rents and taxes remained payable in full ; that congress-panchayats were corrupt and inefficient ; that national schools were farcical failures, and that the cultivators' subscriptions in cash and kind were, in many cases, embezzled by worthless rogues and brought no return. The position is however wholly different when it becomes a question of taking sides between constitutional extremists and moderate reformers. His Excellency in Council considers that it would be not only difficult, but probably also useless, for Government officers to take part in the political campaigns that are now likely to be the order of the day. They have not the organization ; they cannot stoop to the methods adopted by certain adherents of the extremist party ; and even the detection and exposure of misstatements might result in election petitions on the ground of official intimidation.

7. *Administrative difficulties and suggested remedies.*—Turning now to the various sections of the Government of India Act and the Statutory Rules, in regard to which defects have been reported or remedies have been suggested, these are discussed below to the full extent to which attention has been drawn to them in the replies received. Where they have emanated from non-official sources, the author is mentioned ; where this is not done it may be assumed that they found a place on the note of one official or another (it may be of an individual only). It is not implied, therefore, in any way that any suggestion has received unanimous or even extensive official backing ; the contrary is, in fact, the case. Taking a certain number of responsible officers, one point has struck one and another another. But in a report of this kind it appears to the Governor in Council that the most helpful course to the Government of India, would be to acquaint them with the ideas that are passing through men's minds, even although the net result may be a recommendation for their rejection. If no others are forthcoming and the majority are rejected, it at least demonstrates the limitations of the present enquiry.

8. *Suggestions affecting the Secretary of State and the Government of India.*—His Excellency in Council does not propose to offer any suggestions as regards the relaxation of the Secretary of State's control under section 19A of the Government of India Act, 1919 ; nor as to the constitution of the Governor-General's Executive Council under section 36(5). Nor does he propose to discuss the constitution of the Central Government or its relations with local Governments. These are matters to be dealt with from a wider standpoint than that of an individual province, although they have attracted comment from local officers. There is, however, one suggestion which I am to commend to the notice of the Government of India. The criticism has been submitted that full use has

not been made of the only second Chamber, namely, the Council of State, as a counterpoise to the Assembly. The position of the Council of State in the reformed constitution is represented as unsatisfactory. The limitations imposed deprive it of all control over the supply of funds and deny the Government of India possible support in time of stress, such as was given during the debate on the Salt tax. Large commercial interests like the Chamber of Commerce, with their expert representatives, deserve representation in the Assembly. In the Council of State, the members elected are from selected constituencies on a restricted franchise, and for the most part are men of property or representatives of big landed estates or of important commercial interests. In the Legislative Assembly, the members, elected on a much wider franchise, represent all sections of the community, lawyers predominating. To the latter body was entrusted the entire decision regarding the supply of funds at a time when the finances were embarrassed, when reduction of expenditure, which needed expert advice rather than ill-informed criticism, was necessary to justify any increase in taxation. If the Council of State had been able to review the resolutions of the Legislative Assembly by the voting of demands at the last session, it is possible that the policy of obstruction might have been less successful. It would at least have been subjected to non-official criticism. Should any amendment of section 67A of the Act be contemplated, I am to commend this consideration to the attention of the Government of India.

9. *Council Secretaries ; section 52(4).*—As regards the appointment of Council Secretaries under section 52(4), an idea put forward in the hope that suspicion of official influence over the Ministers might thus be eliminated, His Excellency in Council is definitely opposed to the proposal. Council Secretaries would, equally with the Ministers, be dependent on the permanent official for information and advice. The posts would have little or no attraction for junior members of the Legislative Council, unless salaries were attached to them, but in that event the Council Secretaries would, in common with the Ministers, earn the stigma of having joined the ranks of the bureaucracy. The Ministers were consulted regarding this suggestion. It will be seen from their reply quoted below that they did not favour its adoption, at any rate in the immediate present. " We cannot " they say, " do without our Secretaries. The Secretaries being in constant touch with the department will be in a better position to know a good deal more than the Council Secretary who will only work in the Council on information from others. Any innovation of this nature should not be introduced at present. We may further say that the system of appointing Council Secretaries was tried in the United Provinces and was given up because it was, presumably, a failure. Even if the Council Secretaries be appointed, we do not think it will be expedient to leave the whole matter to them. This may be done with a view to give training to some of the members of the Legislative Council, but even this requires maturer consideration after investigation as to how the system has worked in other provinces wherever it has been tried."

10. *Official Secretaries and the Ministers.*—As will be seen from the annexures to this letter, both the Ministers and Mr. M. S. Das have alluded to their position *vis-a-vis* the permanent Secretaries. Mr. Das considers that the Minister should be at liberty to select his Secretary from a wider circle than the Indian Civil Service. Under the Rules at

present in force there is no absolute bar to this course, for a member of the provincial civil service may hold a post of Secretary as a listed post. The Ministers, however, recognize that in point of ability and administrative experience the Indian Civil Service is the superior service, and they would be reluctant to lose the assistance which they now thus obtain. Their opinion on the point may be stated in their own words :—

" The work of the Secretary requires some administrative training which is generally available to the officers of the executive service, and any official selected from any other service may not fit in suitably. There is also no free choice in the matter, as at present it is reserved for the I. C. S. officers. Though it looks anomalous that the transferred side cannot do without Secretaries who belong to the reserved side, the present practice will have to continue till material changes are effected in the existing constitution. We are, however, of opinion that the ultimate goal should be to give a free hand to the Ministers to choose their Secretaries from any service they like, and with this object provincial executive service officers should be selected and trained."

His Excellency in Council would, of course, welcome any means of emphasizing the independence and the responsibility of the Ministers. He considers, for example, that it would be useful in future, and as, indeed, is already done in some provinces (though not here) for Ministers to adopt the practice of answering all Council questions and supplementaries addressed to Government on the transferred side. This would remove any suspicion or reproach that the Ministers take shelter behind their Secretaries. It is, of course, a mere matter of procedure which could be introduced at once.

11. *The official block in the Legislative Council.*—The same feeling accounts for two suggestions relating to the official block in Council. The first is that the official block should be reduced in numbers or should disappear entirely from the Council ; the second is that, if the official members are retained, whether in their present or reduced numbers, the convention should be established that they should never vote on transferred subjects, the idea being that there would then be no suspicion of reliance by the Minister on official support, and quâ his particular subjects he would have to rely on his own following in the Council. The Ministers were consulted regarding these propositions, and were both opposed to them, as will be seen from their own words :

" We are not in favour of the first suggestion. It is not advisable to reduce or to remove altogether the official block from the Council. The official block consists mainly of the Secretaries and the Heads of Departments. Their presence in Council is of considerable importance to help the Ministers and the Members (Executive Council) during debates on resolutions and the budget motions and in answering supplementary questions. The Heads of the Departments are fully acquainted with the minutest details which are not to be expected from the Members and the Ministers or the Secretaries. In their absence there will be considerable difficulty in getting immediate information necessary to meet the points raised then and there. We are of opinion that we badly feel the absence from the Council of some of the Heads of Departments. We have examined the official list very carefully and find hardly anyone among them who can be spared except the two Commissioners, whose places may be filled up very usefully by some other Heads of Departments.

" We are of opinion that the second suggestion is also not practicable at present. The members of the Council have not yet realized the full responsibility of carrying on the administration. If the members rely upon themselves and their own good sense there is no harm in doing it, but unfortunately the voting is sometimes influenced by various considerations and circumstances which need not be detailed here. This should be left to the option of the Ministers. In some cases they may like to leave any resolution to the voting of the non-official members alone. This was tried at least on two occasions. When in 1921 there was a budget motion for reduction of Minister's salary, Lord Sinha agreed at the special request of the Minister of Education that officials should not vote on the motion, and yet the motion was defeated. There was another occasion when there was a resolution for establishing a sugar factory at a cost of 5 lakhs ; the Minister of Education left it to the votes of non-official members, and the resolution was defeated.

" It would not be advisable therefore to lay down any hard-and-fast-rule that officials should not vote on matters concerning transferred subjects."

His Excellency in Council is himself opposed to both suggestions. As has already been indicated, the position of the Ministers is not altogether that which the Act contemplated. It probably envisaged a man with a policy and a following, able to convince the Council of the value of his policy and, by virtue of his own influence and the number of his followers, to carry through his proposals in cases where they are opposed by a section of the Council. At present, however, in this province a Minister depends on his personal influence, and on the official block for his support, and his position would be much weakened, if either of these suggestions were entertained. Although it is already the case in this province that the official nominations do not reach the permissible maximum (from which they are short by three) any question of reducing the official numbers further is to be deprecated from the reserved point of view also.

12. *Relations of Ministers with the Legislative Council.*—To the same category of remedies belongs the suggestion that section 52(1) of the Act should be amended to admit of the election of Ministers by the Legislative Council, the idea being that they will depend on the assistance of the members who chose them. His Excellency in Council is definitely opposed also to this suggestion which was elaborately discussed when the Reformed constitution was under consideration. The election of Ministers by a democratic assembly does not prevail anywhere ; it is doubtful if it would here achieve the object in view ; it would certainly be the cause of underground intrigue, thereby rendering the position of the Minister even more difficult than it is at present.

There may here be mentioned a suggestion which commends itself strongly to the approval of the Governor in Council. It is unfortunately the case that each year when the demand for the Minister's salary is moved there is reason to apprehend undignified and unpleasant action by the Legislative Council, in some cases approaching a species of Dutch auction, a result which was never anticipated, but which has manifested itself in some provinces and is at present within the law. His Excellency in Council considers that the pay of the Ministers and of the President of the Legislative Council should be definitely fixed by vote of the

Council once for all, within a maximum and minimum (bearing a relation to the pay of an Executive Councillor) to be fixed by Statute, the only subsequent reduction permissible being one of nominal amount, which would be regarded as a vote of censure.

13. *Position of Ministers as compared with members of the Executive Council. Sections 50 and 52 (3) of Act.*—It may be convenient at this point to refer to the opinion expressed by the Ministers in their joint note (annexure I), which appears to draw a distinction, unfavourable to the position of the Ministers, between section 50, dealing with differences of opinion in the Executive Council and section 52, sub-clause (3) under which the Governor may require action to be taken " otherwise than in accordance with their advice ". Apparently the remedy proposed is that the Governor's control over the Ministers should be relaxed and limited to interference, only if the peace or the finances of the province are in danger or the rights of minorities are infringed. In this, as well as in some other points raised by the Ministers, it is necessary to draw a clear distinction between theory and fact. Unless it can be shown that the interference of the Governor has in fact been improperly applied, His Excellency in Council would deprecate any amendment of this section. Unless the Government is to resolve absolutely into two disconnected fragments, there must be some ultimate unified control to ensure co-ordination. It has to be remembered that officers not infrequently have duties both in the transferred and in the reserved departments. Any relaxation of the Governor's powers in this matter might make it impossible for him to carry out his instructions. It has nowhere been suggested that these are either too extensive or unnecessary. The due observance of instruction VI should meet the objection put forward by the Ministers.

14. *Departmental interference with the Ministers. Devolution Rules.*—The relation of the Ministers with the other departments of Government has been criticised by the Ministers, who have also recorded what they consider to be the popular view on this point. It may be true that the treasury control of the Finance Department as laid down in rules 36 to 45 of the Devolution Rules has occasionally proved irksome or inconvenient, but His Excellency in Council can discover no evidence whatsoever that the Finance Department has improperly interfered with the Ministers or has been ungenerous in the distribution of funds. The latter contention is disproved by the figures, and is not, in fact, put forward by the Ministers. Minor differences of opinion have, of course, arisen. Even in the old days the Finance Department was never precisely popular. Such cases have been referred to His Excellency who, on the merits, has sometimes upheld one side and sometimes the other. But the true criterion is whether in any substantial question of policy the Finance Department has wantonly obstructed the Ministers, and to that the answer is in the negative.

It is undoubtedly necessary to retain some form of unified financial supervision. Even were separate heads of revenue to be placed at the disposal of the Ministers, there would still be a transferred Finance Department. In the pre-Reform days far more rigid financial checks were considered necessary over men whose whole training had been in administration, and it would seem undesirable to remove that form of control.

As regards interference by the Political Department, occasions must arise when, for example, Education or Excise matters come within

the ambit of the political sphere and have therefore to be dealt with by both departments. As instances, may be mentioned the publication of seditious articles in school magazines or the picketting of excise shops. His Excellency in Council could not accept the position that, because these cases have their origin in departments under the control of the Minister, the Political Department should for that reason refrain from taking the necessary steps to maintain law and order.

Similarly as regards the difficulty of having to apply to the Appointment Department for the services of officers for the transferred departments, *e.g.*, Co-operative Societies. The question here is not one of theory but of fact, and in the absence of any definite evidence to the contrary, His Excellency in Council believes that the wishes of the Ministers have in the matter of appointments received scrupulous attention. Possibly the administrative disadvantages of a small cadre recruited *ad hoc* are not fully appreciated. It is to the practical advantage of the Ministers in such a case to be able to draw upon a large cadre (such as the provincial executive service) to which he can return a man when stale (*e.g.*, too old for active touring) or should he prove unfit.

15. *Relations of local officers and the Ministers.*—Similar considerations apply to the relations of Ministers with local officers, a point to which the Ministers have drawn attention in their joint note. They mention a popular opinion that the local officers exercise an undue influence over the administration. Here again it is a question of fact rather than theory. In practice local officers are often overruled, whether on the reserved side or the transferred. But they do know the facts and it would be folly to disregard their advice as a matter of principle. In fact, for instance, on the transferred side the Minister has on fairly numerous occasions declined to accept the nominations to municipalities or district boards suggested after careful consideration by the Commissioner : in no such case has the Minister's nomination been overruled, although local objections have been represented. Experience will in time remove the mutual suspicion that the local officers are not under the control of Ministers, or that the Ministers needlessly disregard advice based on local knowledge. The matter is only mentioned here as a possible factor in causing administrative friction, the risk of which can only be obviated by the retention of final control in the hands of the Governor.

16. *Access of Secretaries to Governor : Rules of Executive Business. Section 49 (2) of the Act.*—The Ministers have referred in their joint note to an impression entertained by themselves and the public that their position is seriously and prejudicially affected by the Rules of Business, which place on the Secretaries certain duties regarding the conduct of business and give them a right of access to the Governor. In this respect the Rules of Business are the same for both sides of the administration. It appears to the Governor in Council that the Ministers have misunderstood the position, if they consider that the object of the existing arrangement is to give the Secretaries a chance of appeal to the Governor, whenever they disagree with the Ministers. Historically the rule dates from the introduction of the departmental system, and was designed to ensure that the Head of the province was aware of everything of importance which was going on, the Secretary being

responsible for seeing that he was so posted. This is equally as important under diarchy as under the old regime, so long as the responsibility of the Governor extends over the whole field of administration. A secondary object is to facilitate the disposal of business, which is often expedited by personal interview. The Rules of Business, moreover, prescribe what cases should be seen by the Governor, and Rule 38 places upon the Secretary in each Department the responsibility of seeing that the rules are carefully observed. His Excellency in Council considers, therefore, that it is desirable to retain the salutary rule, that, where it is proposed to everrule the Departmental Head or the Commissioner, the Governor should see the case before orders are passed, and that it is the duty of the Secretary to indicate on the files those cases which it is incumbent on the Governor to see under the Rules of Business as well as those cases which he considers it is desirable that the Governor should see. All this makes for efficiency of administration, and at the same time gives the permanent services a feeling of assurance that they will be protected from capricious orders. It may be added that these rules are enforced with precisely the same rigidity on the reserved side of Government as on the transferred side.

17. *Administration of Transferred Departments.*—In paragraph (6) of their note the Ministers refer to the desirability of a substantial change in the spirit of the administration of the transferred departments. *Prima facie* this would seem to be a matter for the Ministers themselves.

The President of the Legislative Council would welcome the introduction of cabinet responsibility on the transferred side, the Governor to be bound by the opinion of the majority. This is contingent upon a Ministry of more than two. Doubtless the point will arise when the system of diarchy disappears, but its discussion at this stage appears to be premature.

18. *Duration of Council.*—The Ministers report public opinion to be in favour of a longer duration of the life of the Council than three years prescribed under section 72-B of the Act. Though it might, perhaps, have been wiser to provide a longer term than three years for the original Reformed Council, His Excellency in Council is not prepared now to recommend an amendment of this section.

19. *Relief of Ministers.*—The President advocates greater relief to Ministers from departmental routine. The idea seems to be that these officers should have more time to mix with the people and expound their views in order to disprove the theory of bureaucratic inaccessibility. Here again this appears largely to be a matter for the Ministers themselves. They can delegate responsibility, but the present tendency seems rather to be in the direction of wishing to control details. The point is not one which can be decided by rule. The personal factor enters largely into the question.

20. *Enforced attendance at Council.*—The President also wishes to enforce better attendance in Council by the imposition of penalties for continued absence, as in local bodies. This does not appear to His Excellency in Council to be practical politics. There is and always must be a marked difference between the Legislative Council and district boards or municipal committees. The attendance at meetings of Council has been disappointing, but the remedy seems to lie with the constituencies and not with Government.

*Disallowance of resolutions.*—The President's further suggestion that the rules as to the disallowance of resolutions should be tightened up appears to be based on the idea that their disallowance produces resentment amongst the members. It is obvious that in a Council composed for the most part of inexperienced members some control must be exercised. In theory, this power might be abused ; in fact it has not been.

*Effect of resolutions.*—Another suggestion in connection with resolutions is that they should be binding on the Government, and that this would intensify the sense of responsibility in the Councils. A reference to the resolutions which were carried by the Council, but on which no action was taken by Government, demonstrates the unworkable character of the proposition. The point was elaborately argued when the Reforms were being framed, and it is unnecessary to repeat the reasons for the adverse decision which was properly arrived at.

21. *Special treatment for Orissa.*—Mr. M. S. Das (*vide* annexure II) considers that Orissa should always have a special Minister of its own, apparently to be in charge of all transferred subjects in Orissa. The point does not arise in the present connection, but section 52-A (1) of the Act provides for placing part of a Governor's province under the administration of a Deputy Governor. It appears to be a question of administrative convenience and financial expediency rather than one connected with the general working of the Government of India Act.

22. *Extension or alteration of the franchise.*—In various quarters the composition of the constituencies and the electorates has been criticized. The idea has been favoured that in the extension of the franchise lies the real remedy for all the troubles connected with the Reforms. On the other hand the Ministers definitely express the view that the existing electorates are too large, while in other quarters, the suggestion is made that electorates of interests should be substituted for territorial electorates. His Excellency in Council can see no solution of any of the difficulties on these lines. The existing electorates, so far, are entirely ignorant and the votes of the majority mean little or nothing ; to extend the franchise to a still lower level of intelligence will simply intensify confusion and play into the hands of the unscrupulous demagogue. Their contraction on the other hand is not within the sphere of practical politics. This would be regarded, or represented, as an entirely retrograde step.

To some little extent electorates of interest already exist in, for example, the landholders' constituencies, but a general system of this kind is absolutely destructive of the democratic idea. His Excellency in Council regards communal electorates as absolutely unavoidable, and (on the whole, in practice) not necessarily an evil (taking the facts as they are). It is no remedy to devise a scheme of nominal democracy. Should time prove that India will never assimilate democracy, the fact should be frankly recognized.

23. *Judicial interference with the Legislative Council.*—The legal position of the Legislative Council and its freedom from interference by the judiciary appears to merit examination. There has been at present no attempt to seek the intervention of the High Court in this province. Doubtless the Government of India will deal with the matter in connection with recent events in Bengal. It is mentioned here, as the matter affects all provinces, and the example of Bengal is likely to be contagious.

24. *Enlargement of Transferred Departments.* [*Section 45-A (d) and Devolution Rule 6*].—This letter has now enumerated and discussed, with one exception, such defects or possibilities of improvement in the actual working of the Reforms Scheme as have suggested themselves to the officers consulted. A few criticisms have been endorsed, but the majority have not commended themselves to the judgment of the Governor in Council, and the net result in the direction of feasible change is small. There remains that category of proposals which goes to the root of the whole matter, and which is directed towards the enlargement of the sphere of the transferred departments, with the idea of extending the scope of the influence and experience of Ministers, and reducing in corresponding ratio the power of the Executive Council. The implication involved, though not sometimes expressly stated, is that the membership of the Ministry should be enlarged to three, and that of the Executive Council reduced to one. The basis of these recommendations is not always clearly defined ; it is certainly not the improvement of the standard of administration ; it is rather that a further step will thus be taken in the direction of responsible Government, and that the gesture will conciliate those who seek for a more immediate advance than is contemplated in the Government of India Act of 1919 (read, in particular, with the remarks of the Joint Committee of the Houses of Parliament in this connection). The view finds common expression in the press and in the speeches of politicians. It is, in fact, the origin of the enquiry now in process. In the circles mentioned it takes the full form of the introduction of a system of provincial autonomy (*cf.* paragraph 3). The opinions received by the Governor in Council have not proceeded to this length (possibly owing to the terms of the reference made), and they can most conveniently be discussed in the terms of the proposition submitted by the Ministers, namely, that everything should be transferred with the exception of Political (which, in Secretariat parlance, includes Police) and Judicial (which similarly includes Jails). The Hon'ble President of the Legislative Council puts his suggestion (Annexure III) in the form of the transfer of everything except Land Revenue, tenancy legislation and local fund audit, but as the objections which appeal to the Governor in Council are of principle rather than detail, it may be most convenient to examine the issue as presented by the Hon'ble Ministers.

25. To any such half-way house the Governor in Council is unhesitatingly opposed, briefly, for two reasons. Firstly, it is not a workable administrative proposition ; secondly, if its object is as surmised above, it will absolutely fail to achieve it.

Presumably, the theory underlying the proposal, is that the Governor, with the assistance of one Member of Council, and amenable to the discipline of the Government of India and Secretary of State, shall still remain responsible for what is popularity described as Law and Order. The Police will be under his control, and it will be for him to keep higher authority informed of the development of internal politics ; again, presumably, should the internal peace of the province be seriously disturbed, he may be called to account, and in any case will be expected to restore quiet. The control of the Executive Government in the Judicial Department is even now slight ; should schemes for the separation of Judicial and Executive functions mature (and they are at present under consideration in almost every province), it will be even slighter (since the wish of

the politically-minded section is that quâ the magistracy, as it practically does already quâ the Judiciary, the supervision of the High Court should suffice). The remainder of the administration will pass into the hands of Ministers, and consequently also the control of the Indian Civil Service on the Revenue side. Taking, broadly, the existing functions of the Indian Civil Service as Magisterial and Revenue, it follows that in the one part the control of the High Court may ultimately supervene, as certainly, in the other, will the control of the Ministers. In the latter respect, following the precedent of certain proposals of the Lee Commission, the demand will then be put forward that the transferred Revenue Department shall be administered by officers amenable to the Ministers. Apart from that contingency, which would mean the disappearance of the Indian Civil Service as now constituted, it is evident from the above argument that the control of the reserved side of Government over any but the Police will be *nil*. Even in respect of what remains to them, the reserved side will have to contend with the Ministry in the proportion of one to three for the allotment of funds, the majority being able to command support in the Legislative Council should the question ever come to the direct vote.

26. In the opinion of the Governor in Council the proposition has only to be stated with its inevitable implications to demonstrate its administrative futility. It could not last a year in practical working. Into the theoretical merits or demerits of the system known as diarchy, on the existing lines, the Governor in Council does not desire to enter, neither are they immediately involved ; that system has carried on in most provinces, though conspicuously badly in one or two, and within the limitations implied and given certain conditions may be said to be a possible scheme. Provincial autonomy, as defined above, may or may not prove to conduce to the orderly progress of the country, and may postulate the acceptance of extreme risks and curious liabilities, but at least it is not inherently and constitutionally unsound. But diarchy of the type outlined could not endure, and, if so, its adoption could be nothing but disastrous. Assuming that the administrative cart is already in some difficulty, this solution could only thrust it further into the mire, in which it would have to be jettisoned. To change the metaphor, viewing the administration as a wooden cube (as some critics would describe it for other reasons), it is possible to bisect a cube vertically in such a section that both parts will stand, though possibly, in one case, shakily ; but the knife can also be so applied as to ensure that one part must inevitably topple over, and on the lines advocated in some quarters and discussed above, this would be the certain fate of the reserved side. Moreover, even in theory, it would be difficult to oppose the argument that, if it is safe to transfer so much, it is unnecessary to retain so little. At present both sides of Government stand for something substantial in the life of the province ; the change outlined would reduce the reserved side to a shadow, though a shadow which, in the last resort, was to be responsible for the safety of the province.

A solution on the lines of further transfers might conceivably have been feasible had the course of diarchy been that which some of its earlier protagonists foreshadowed, namely, a very gradual advance from small beginnings and at different rates in different provinces. In fact, however, all provinces started with a very substantial division of functions, and (practically) on uniform lines. Consequently, if diarchy is to persist

at all, the limits of permissible division were practically reached at the outset.

27. Sufficient condemnation of the scheme has already been urged, but if it is sought to justify it as at least a substantial concession which would reconcile public opinion and demonstrate the liberal mindedness of Government, there is no indication whatsoever in the attitude of our critics which would confirm this expectation. Everything, indeed, points to the contrary. The same agitation which exists now would continue then, while Government would be the weaker for seeking to stand on even more slippery ground than is the case at present.

28. To sum up, the true issue lies between the concession or refusal of the changes which the term provincial autonomy connotes, and as this claim implies (if granted) the abandonment of the Government of India Act, it falls outside the terms of the present reference, and regarding it the Governor in Council expresses no opinion.

29. *Transfer of the Forest and Irrigation Departments.*—Mention should, perhaps, here be made of a proposal of secondary importance which might be put forward, though it does not figure in the opinions which the local Government has now collected. It is well known that Forests have not been treated uniformly in all provinces, and it is arguable that if they can safely be transferred in Burma and Bombay, they need not be reserved elsewhere. Secondly, it can be contended that it would be more symmetrical, and even, in some ways, administratively convenient, if the Public Works Department as a whole fell within the same side of the administration : in other words, if Irrigation was transferred.

So far as Bihar and Orissa is concerned, it would be difficult to deny some weight to these possible contentions. Irrigation is not extensive or of very great importance ; the province, as regards Forests, is nowhere near the front rank. Nevertheless the Governor in Council is not an advocate of the idea, chiefly for the reason that it would conciliate nobody, and would almost pass unnoticed or at least unacknowledged. If the political advantage is going to be *nil*, then regard may properly be paid to administrative considerations. The division of subjects now in force was made very recently after elaborate and competent enquiry ; Irrigation in other provinces involves works and interests of extreme magnitude, while Forests, even here, closely concern the backward tracts in which serious mistakes or failure to read the aboriginal mind might result in widespread disorder, while to the practical needs of efficient Forest administration, as such, the Legislative Council has not hitherto shown itself particularly sympathetic.

30. *Summary.*—The net result of the scrutiny of the replies received by the local Government is that there is very little that can be done to smooth the working of diarchy or to eliminate the different administrative imperfections. Whatever defects exist are inherent in the system itself, and this raises the main point which is the key note of the whole discussion. Assuming that a further step in advance is contemplated, on what grounds is this step going to be taken ? In order to make diarchy more workable ? It is workable now, though creakily. The few minor remedies suggested above may cure a creak or two, but they will affect the larger questions in no degree whatsoever. The real issue is—are we going to pacify at all costs our clamant critics ? If this is the object to be sought, not one of the few minor remedies suggested above will influence them one jot or tittle.

They will be satisfied with nothing but the disappearance of diarchy, and in its place the substitution of what is popularity known as provincial autonomy. That, as already emphasised, is the real issue which has to be faced.

31. In conclusion I am to add that the Hon'ble Mr. Sinha takes a different view from the rest of Council on three points, which have been discussed in the body of this letter. They relate to :—(1) the suggested amendment of section 67-A of the Government of India Act in regard to the functions of the Council of State ; (2) the general scope of the present reference from the Government of India, and (3) the enlargement of the Transferred side of the administration. The views of the Hon'ble Mr. Sinha on these subjects are embodied in the minute attached (Annexure IV).

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## ANNEXURE I.

*Note embodying the opinion of the Ministers of Bihar and Orissa on the various points raised in Government of India's letter, dated the 8th April 1924, for investigation as promised by the Hon'ble the Home Member in the course of debates held on the 8th, 13th and 18th of February 1924, in the Legislative Assembly.*

We shall first deal with the question if there are any defects in the present constitution under the new Government of India Act. This may be divided into two classes, namely, (1) inherent constitutional defects, and (2) practical defects in the working of the Reforms Scheme.

We take up *inherent defects* first.

Diarchy appears to us altogether a new thing introduced for the first time in Indian administration.

The principle of diarchy has split up the Government into two parts, though Government as a whole is a compact entity and does not admit of any such division. The different parts of Government are so mixed up and interwoven that the whole machine with all its component parts should work together in order to make the administration efficient. At its very inception the majority of the educated Indian public had made strong protests against the introduction of the principle of diarchy in the administration but agreed to give it a trial on its merits.

Apart from the difficulties in splitting up the component parts of administration it has raised a grave suspicion in the minds of the public that British Parliament has no trust and confidence in the people to put them in charge of all the subjects in provincial administration.

The application of the principle of diarchy has created complication in the classification of subjects. We fail to understand on what principle this classification has been made. It is difficult to justify the non-transfer of the administration of Revenue Department (including Forest) to Ministers when Excise (admittedly the biggest source of income) has been transferred. Non-Judicial Stamps is a reserved subject, while registration of documents, which are written on non-judicial stamp papers is a transferred subject. Agriculture is a transferred subject while Irrigation (which is the life and soul of agriculture) is a reserved one. Instances of this kind can be easily multiplied.

The anomalous character of the present system is also patent from the fact that for certain purposes the Ministers have to depend upon the opinion of local officers on the reserved side. In absence of joint responsibility of the Ministers and Members of the Executive Council difficulty may arise in securing any assistance from the officers of the reserved side in administering the transferred subjects. We may further illustrate this anomaly by submitting that under Devolution Rule No. 37 all the schemes of new expenditure of the transferred subjects have to be examined by the Finance Department, and under the rules the Finance Department plays an important part with regard to the schemes framed by the Ministers while that Department itself is under the control of a Member of the Executive Council. It appears that the Ministers are almost practically controlled by the Member of Executive Council holding the portfolio of Finance. It often happens that in the administration of transferred

subjects questions of political importance arise which cannot be disposed of under the present system by the Ministers, and, therefore, they have to be referred to the Political Department which is again a reserved subject.

*Practical defects in the working of the present transitional constitution.*

(1) The power of the Minister is not defined anywhere in the Government of India Act. Under section 52 of the Government of India Act, the Governor may appoint a Minister to administer transferred subjects : under section 52 (3) the Governor is to be guided by the advice of his Ministers unless he sees sufficient cause to dissent from their opinion. This implies that the transferred subjects are to be administered by the Governor with the advice of his Ministers and not b ythe Ministers themselves. It appears that under the aforesaid provisions the Ministers have got no independence in the matter of administration as Ministers in British Parliament. This provision as it stands may sometimes lead to some trouble in the administration. We are glad that no cause of complaint has ever arisen in our province, though some such trouble seems to have arisen in some other province. The Ministers should have full and independent power to administer the subjects entrusted to their charge. No one would deny that they are to be guided by the Governor, but the working of the scheme has created an impression in the minds of the Heads of the departments and the Secretaries that Ministers have got no real power and it is the Governor who is all in all in administering even the transferred subjects. The intention of the framers of the Government of India Act seems to be quite otherwise, as appears from the following quotation from the report of the Joint Select Committee. " Ministers who enjoy the confidence of a majority in the Legislative Council will be given the fullest opportunity of managing that field of Government which is entrusted to their care. In their work they will be assisted and guided by the Governor, who will acept their advice and promote their policy whenever possible. If he finds himself compelled to act against their advice, it will only be in circumstances roughly analogous to those in which he has to override his Executive Council." The other day in the debates in the House of Commons Mr. Hope Simpson gave as one of the reasons for the breakdown of the Act of 1919 in the provincial legislatures that the Indian Ministers were comparatively impotent and had not entire charge of their portfolios as Indian expected they would have. The Ministers have to initiate their own policy in accordance with the wishes of the local legislatures, and they should received the fullest support from the Governor.

(2) The importance of the Ministers has been much more aggravated by placing them completely under the control of the Finance Department, as appears from rule 37 of the Devolution Rules. For instance the Finance Department in dealing with a plan of a building advises the knocking down of a portion of the building, which may be absolutely necessary. It also similarly advises the appointment of sub-assistant surgeons where services of asistant surgeons are needed. We would not dispute the right to offer reasonable advice on the part of the Finance Department in regard to schemes involving new expenditure, but the Finance Department should not have such wide powers as it has at present.

(3) The policy of the Ministers is also hampered in some cases by the Political Department.

(4) The Ministers have at times to work through the local officers serving under the Government on the reserved side. Though their opinion is not favourable to the working of the transferred subjects, the Ministers have to act upon it, as it has been the old practice not to disregard the opinion or recommendation of the local officers. So far at any rate as the administration of the transferred subject is concerned the old system of accepting the recommendation of the local authority should no longer necessarily prevail.

(5) The Ministers have to administer the transferred subjects through the officers of the Imperial Service over whom even the Governor in Council—much less the Ministers—has no adequate control. We admit that under rule 10 of the Devolution Rules the authority vested in the Local Government over officers of the public services has to be exercised in the case of officers serving in a department dealing with the transferred subjects by the Governor acting with the Ministers in charge of the department, but the two provisos of the aforesaid rules make them believe that the Ministers have practically got no control over them.

(6) There has been no real or substantial change in the method of the administration of the transferred subjects, save and except that they are now administered by the Ministers and not by the Members of the Executive Council as before while the Reforms Scheme has made the administration more expensive. Even if there would have been no Reforms these subjects which are now transferred could have been administered almost in the same way by the members of the Executive Council. Hence there is the desirability of a substantial change in the spirit of the administration of the transferred departments.

(7) The classification of the subjects is another anomaly. We have already dealt with this subject in connection with inherent defects in the constitution. Without repeating what we have already said, we submit that Agriculture cannot be improved without irrigation being placed in charge of the Minister. Similarly there is no reason why Building and Roads should be a transferred subject, and electricity and allotment of building reserved ones. The whole classification of provincial subjects needs re-adjustment and revision.

(8) The rules of the executive business are binding upon the Ministers though made without consulting them. There are two rules in the rules of the Executive Business for reference of cases to the Governor. One deals with the necessity of referring the cases to the Governor in case there is a difference of opinion between the Ministers and the Heads of Departments, Commissioners and the Member of the Board of Revenue. The other rule is that any case in which the Secretaries think that reference is necessary, has to be referred to the Governor. These two rules, and specially the latter, have considerably increased the number of references, which create an impression that they are made for the modification of the ministerial order. This affects seriously the position of the Ministers. Though the same rules operate on the reserved side also, yet we believe the number of references by Secretaries are not so many or so frequent on that side. In our opinion it should be left open to the Ministers themselves to refer a case to the Governor in case of difference of opinion which may require overruling the Secretary or the head of a department, etc.

*Popular opinion with regard to the present transitional constitutional Reforms which have come to our notice either in private conversation or through press. Some of them may have been exaggerated and some may be difficult to establish, and, therefore, we do not endorse them in their entirety. Yet we consider it desirable to bring them to the notice of the Local Government.*

The opinion of the public and the members of the Legislative Council with regard to the present constitution is that Reform has given nothing substantial to the people and the Legislative Council has got practically no real power. They further think that the officers of Government possess all the powers which they had before and there has been no change in the treatment of the people by the local officers. Their attitude towards the public is as indifferent as before and the policy of favouritism and flattery still continues.

The Ministers have no independence and are helpless. They cannot do even what they intend to do. Their powers have got various restrictions and limitation. The Ministers have no control over their subordinates and the Heads of Departments and the Secretaries are not under their control rather the Ministers themselves are under the control of the Secretaries.

The Governor does not consult the Ministers in all important matters relating to the reserved side and even if they are consulted their advice is not accepted.

The elected members of the Council on being appointed Ministers become officialized and accept the official views and are not of any more assistance to the Legislative Council.

The Ministers have not been able to do any substantial good to the province. They administer the transferred subject as desired by the Governor and the Members of the Executive Council. By reason of the practice which enables Secretaries and Heads of Departments to approach directly the head of the administration without the intervention of the Ministers, the position and the prestige of the latter are seriously affected in the eyes of the public as they are able thereby to talk over if not settle important matters without the knowledge of the Ministers.

People have not been benefitted by the Reforms in any way though the administration has become expensive on account of introduction of the Reforms. Diarchy is a failure and unless all the subjects are transferred and put under the control of the Ministers, it is much better to be without Reforms.

The Excise Revenue has increased during the regime of the Ministers. There has been no reduction in consumption and though the Minister in charge of the Excise Department was willing to adopt the policy of prohibition being the ultimate goal, the Government did not agree to it and turned it down practically.

There has been no reduction in the expenditure of any department as recommended by the Retrenchment Committee appointed in pursuance of a resolution moved and adopted by the Legislative Council except the paltry one of half a lakh by the abolition of the Publicity Board.

Almost all resolutions and budget motions, even if they are reasonable, are opposed by Government, and they receive no sympathetic treatment, but are rather treated with contempt.

There is no real advance in the matter of Indianization and provincialization of services in any department. In spite of all protests European officers are still being appointed in the various departments, though Indians are available.

Government have not considered the claims of low-paid Indian officers for increment in their pay.

Government do not pay any attention to the grievances of the people and to the complaints made by them against Government officers and enquiry is refused flatly.

The action of Government is dilatory in all matters, specially those which concern the welfare of the people.

There has been no increase in the number of educational institutions the necessity of which has been brought to the notice of Government repeatedly. The need for second grade colleges and high English schools in various places has not been removed.

The rules in the Education Code for type-buildings and the pay of the teachers are standing as obstacles in the way of private enterprise for the spread of education, and have hitherto hampered the progress of education.

Adequate number of institutions for technical and vocational education in the province have not been started even during the regime of Ministers.

The primary education of boys and girls in rural areas does not show any sign of satisfactory progress and has been stagnant though financial resources from provincial revenues are not wanting at present.

There are no institutions for teaching Ayurvedic and Tibbi in the province ; the Government do not appear to be inclined to encourage the study of these systems of medicine.

The scope of medical education is very limited in the province and the present institutions are not able to accommodate all those who desire to study medicine, and that there ought to be more medical schools at different centres.

The medical aid to the people, both to the town and mufassal, is still very insufficient. There has been not much improvement either in this connection or in the sanitary condition in the municipalities or in the rural areas.

There is no attempt on the part of Government to consult the popular opinion and show regard for the feeling of the people. Government depend upon the opinion of the officials.

The attitude of Government towards the political prisoners has been undesirable and their treatment in jail was not satisfactory. The jail administration has grown worse and Government wanted to put down all political agitation by putting the political prisoners to all sorts of inconvenience and harassment.

The treatment of the Indians by the Europeans in the province is not very satisfactory.

The European officials generally get better treatment at the hands of the Heads of the Departments.

We have outlined only the important items on which the popular opinion has come to our knowledge. There are, however, one or two items of importance with regard to which we are doubtful whether they come within the scope of the reference made by the Government of India to the Local Government. The popular feeling is that it was a mistake to introduce at once the English rules of election which took centuries to mature into perfection in England and in applying them to India where we have not got facilities of communication and sufficient education amongst the masses. The effect of these rules was not so perceptible in the first election under the new Reforms as non-co-operation was then in full swing and a large majority of seats were not contested, but in the second election which took place in November 1923, their effect has become very patent. The elections have entailed a very large amount of expenditure on the candidates and have caused them much annoyance and inconvenience. The franchise is so low as leading to corruption and demoralization and return of irresponsible and unscrupulous men in the various councils who are bent upon creating mischief in them. Further public opinion is that the life of Council should last for more than three years as the country is not prepared to bear the trouble and expenses of election every three years.

As it is a matter which we consider beyond the scope of reference, we do not desire to discuss it in detail, though the grievances appear to be genuine to a certain extent.

*Remedies suggested.*

As far as the inherent defects are concerned, the remedy lies in changing the whole system. According to the popular opinion the diarchy is doomed and it is not possible to work it successfully. As it appears from the speeches of the hon'ble members of the Legislative Assembly, nothing short of complete provincial autonomy will satisfy the people. But this would necessitate the substantial amendment of the Government of India Act which is not to be as the Hon'ble the Home Member said in the course of his speech in the debates of the Legislative Assembly.

The question then is what remedies should be resorted to within the scope of rule-making power under the Government of India Act. We, therefore, propose to deal with the three sections of the Government of India Act, *viz.*, 19 A, 45 A and 96 B. Section 19 (*a*) deals with the power of the Secretary of State. The first portion of the section empowers the Secretary of State to relax and restrict the exercise of his powers of superintendence, direction and control in order to give effect to the purpose of the Government of India Act, 1919. This covers a very wide field, and if the control of the Secretary of State over the Government of India and on the provincial Governments is substantially relaxed it will go a long way in improving matters.

Section 45 A deals with provision to make rules for the classification of subjects and for the devolution of authority in respect of provincial subjects to local Governments. Any subject may be transferred from the category of the central to provincial and also from reserved to transferred. The power given is sufficient to provide remedies of the defects that have been brought to light in the working of the Reforms Scheme. If fresh rules are made for re-classification of subjects and a much larger number of subjects are classified as transferred then it is likely to satisfy a large majority of the people.

Section 96 B deals with the services in India. The most important portion of the section is clause 2 which empowers the Secretary of State to make rules in connection with the recruitment and conditions of the services. If rules are made under this clause regulating the methods of their recruitment, their conditions of service, pay, etc., in such a way as to place the services under the control of the local Governments, safeguarding at the same time the interest of the services, most of the comments of the public will disappear.

We, therefore, would suggest that with a view to give greater scope and powers to the Ministers, the rules framed under the Government of India Act be so amended as to transfer to the control of the Ministers all the departments (including Finance) except the Political and the Judicial which should be combined and placed in charge of a Member of the Executive Council (the strength of which should be reduced to one) who should be a Member of the Civil Service to be designated the Home Member and that the Appointment Department as at present constituted be abolished, each Member and the Minister administering the services in the departments under his control. Till a Minister is not placed in charge of the Finance Department, the rules be so framed as not to permit material and substantial interference by the Finance Department with the free exercise of discretion of the Ministers relating to the Transferred subjects.

We would further suggest that the powers of the Ministers in this country should be precisely same as those of Ministers in England and the present practice of Secretaries (and sometimes even heads of departments) of approaching directly the head of the administration and settling matters behind the back of the Ministers should be abolished.

FAKHR-UD-DIN.

GANESH DUTTA SINGH.

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*Supplementary Note.*

SUGGESTIONS.

(1) It has been suggested in some quarters that the official block should either be reduced in number or should disappear entirely from the Council Chamber.

(1) We are not in favour of the point No. (1). It is not advisable to reduce or to remove altogether the official bloc from the Council. The official block consists mainly of the Secretaries and the Heads of Departments. Their presence in Council is of considerable importance to help the Ministers and the Members (Executive Council) during debates on resolutions and the budget motions and in answering supplementary questions. The Heads of Departments are fully acquainted with the minutest details which are not to be expected from the Members and the Ministers or the Secretaries. In their absence there will be considerable difficulty in getting immediate information necessary to meet the points raised then and there. We are of opinion that we badly feel the absence from the Council of some of the Heads of Departments. We have examined the official list very carefully and find hardly any one among them who can be spared except the two Commissioners whose places may be filled up very usefully by some other Heads of Departments.

(2) We are of opinion that this suggestion is also not practicable at present. The Members of the Council have not yet realized the full responsibility of carrying on the administration. If the members rely upon themselves and their own good sense, there is no harm in doing it, but unfortunately the voting is sometimes influenced by various considerations and circumstances which need not be detailed here.

(2) It has been suggested that, even were the official block retained (in its present or reduced numbers), the convention should be established that they should never vote on transferred subjects, the idea being that there would then be no suspicion of the reliance by the Minister on official support and qua his particular subjects he would have to rely upon his own following in the Council.

This should be left to the option of the Ministers. In some cases they may like to leave any Resolution to the voting of the non-official members alone. This was tried at least on two occasions. When in 1921 there was a budget motion for reduction of Minister's salary, Lord Sinha agreed, at the special request of the Minister of Education that officials should not vote on the motion and yet the motion was defeated. There was another occasion when there was a resolution for establishing sugar factory at a cost of five lakhs, the Minister of Education left it to the votes of non-official members and the resolution was defeated.

It would not be advisable therefore to lay down any hard and fast rule that officials should not vote on matters concerning transferred subjects.

(3) We think the suggestion No. (3) is also not acceptable. We cannot do without our Secretaries. The Secretaries being in constant touch with the Department will be in a better position to know a good deal more than the Council Secretary who will only work in the Council on information from others. Any innovation of this nature should not be introduced at present. We may further say that the system of appointing Council Secretary was tried in the United Provinces and was given up because it was, presumably, a failure.

(3) It has been suggested that Council Secretaries should be appointed, as suggested in the Montagu-Chelmsford report, and that the Ministers should rely upon them solely for Secretariat assistance in the Legislative Council, i.e., the official departmental Secretaries should disappear from the Council.

Even if the Council Secretaries be appointed, we do not think it will be expedient to leave the whole matter to them. This may be done with a view to give training to some of the members of the Legislative Council, but even this requires mature consideration after investigation as to how the system has worked in other provinces wherever it has been tried

(4) Mr. Madhu Sudan Das has suggested that a Minister should be allowed to choose his Secretary (his choice apparently being unfettered) from any Service.

(4) The work of the Secretary requires some administrative training which is generally available to the officers of the executive service and any officer selected from any other service may not fit in suitably. There is also no free choice in the matter, as at present it is reserved for the I. C. S. officers. Though it looks anomalous that the transferred side cannot do without Secretaries who belong to the Reserved side, the present practice will have to continue till material changes are effected in the existing constitution. We are, however of opinion that the ultimate goal should be to give free hand to the Ministers to choose the Secretaries from any service they like, and with this object the Provincial Executive Service officers should be selected and trained.

FAKHR-UD-DIN.

GANESH DATTA SINGH.

## ANNEXURE II.

*Note of Mr. Madhu Sudan Das, C.I.E., late Minister of Bihar and Orissa.*

The reforms were introduced as a remedy to the political situation created by a foreign rule more than a century old. The peasants who form 99 per cent. of the population are ignorant. They do not understand economic principles underlying the administration. They know that their economic condition is growing bad to worse. They trusted the high caste educated people and had been in the habit of being led by them. When the educated people were disaffected towards the ruling race disaffection permeated the whole social atmosphere. It became a simple race question, people did not stop to enquire into the relative merits of the existing system and the promised swaraj. Race feeling is the overpowering passion. Race feeling is not directed to a particular race. Race feeling, as history shows, seeks to promote the interest of the race and it does not matter what race's interest clashes with the interest of the race which occupies a vantage ground. History shows that the Jews divided the population of the world into two classes, Jews and Gentiles. The Greeks divided the world's races into Greeks and Barbarians, the Hindus divided the world's population into Hindus and Mlechhas.

The population of this Province has two races, Biharis and Oriyas. A persual of the reasons given in paragraph 20 of the despatch dated the 25th August 1911 will furnish sufficient justification for the Bihar feeling that Orissa has been tacked to the new province for the benefit of Biharis as without tacking Orissa Bihar could not claim a Council Government being too small both in area and population.

Once a race is impregnated with the belief that the best interests of another race will be secured by the former's control of the administration, it is not possible to induce the more powerful race to give the inferior race an opportunity to develop a sense of responsibility.

This is illustrated by the strong objection of the British members of the various services to transfer the control of a subject to an Indian Minister. It is nothing but a race question.

It is not possible for an Oriya to hold the office of a Minister in the Bihar and Orissa Government, on account of the presence of the Oriya race, the Biharis will support any Bihari Minister. But if the province had only a single race there would be criticism against an incompetent Bihari Minister. Two dogs will fight over a bone but if while fighting for the bone they see a jackal both the dogs would chase the jackal. The Biharis will not permit an Oriya even to retire honorably, and as Biharis form the majority in the Council His Excellency the Governor is not in a position to examine the situation with an eye to protect the weaker party's self-respect. The development of a sense of responsibility in Orissa under Bihari Minister is a travesty of the Reforms so far as Orissa is concerned.

These arguments must have weighed with the authors of Montagu-Chelmsford report when they suggested the formation of a sub-province of Orissa.

I beg to suggest that a separate Minister should be appointed for Orissa. He will have control over all transferred subjects. It may be necessary to have two Ministers for Bihar, if that is found necessary, an additional post should be created.

As regards the transferred subjects the Minister should be at liberty to select his Secretaries from the members of the services in the Province. All the members of the services do not relish the idea of serving under an Indian Minister. This is natural and I do not find fault with them. The services have been accustomed to see India from England. It is necessary now to see India from India. The standpoint of view makes a great difference. One may see in England the sun enveloped in a mist while the man in India sees the country flooded with sunshine.

M. S. DAS.

CALCUTTA ;
*The 6th June 1924.*

## ANNEXURE III.

*Note on the Reforms by the Hon'ble Khan Bahaaur Khwaja Muhammad Noor, President of the Legislative Council, Bihar and Orissa, dated the 17th May 1924.*

I must say at the outset that in my opinion experience has not disclosed any defect or difficulty in the working of the Reforms which are not inherent in the system itself and which were not anticipated, foreseen and deliberately taken risk of, when the Reforms were decided upon.

Diarchy cannot be a permanent feature of the constitution of the Government of any country. It was deliberately introduced in order to dovetail on a Government which was solely responsible to Parliament, a Government which was partially responsible to the people. The framers of the constitution relied upon the good sense of the people and expected that those who would be associated with the workings of the constitution would, in the belief that they are on their trial, work harmoniously with due sense of proportion and responsibilities, and would realize the limitations imposed by the Act. They were right in this assumption. Had these Reforms been introduced ten years earlier they would have been welcomed with delight and the temperament of the people conducive to their successful working would have been present. But the first step towards the establishment of responsible Government was taken at a time when even the moderate of the moderates wanted full power over all subjects except the Military, Foreign and Political Departments ; and among the extremists people were not wanting who openly advocated even complete independence. When this was the mentality of the people it is no wonder that the Reforms were not received by the bulk of the intelligentsia with any degree of enthusiasm. The reforms, apart from the fact that they were much below the demands of the people, were introduced at a very inauspicious time. A calm and dispassionate atmosphere was absent. Between August 1917 and December 1920 much water had flown down the Ganges. The peace terms with Turkey, the passing of the Rowlatt Act at the teeth of the opposition of the people and the subsequent events in the Punjab and elsewhere upset the mental equilibrium of politically minded India, and a number of leading men who would have honestly worked the Reforms, engaged themselves in hostile propagandas and placed obstacles in the way of the successful working of the Act. I should not be misunderstood ; I am not criticising or blaming anybody. I am simply stating facts as they were in order to show that the conditions for the working of the delicate and intricate machinery of diarchy calculated by its framers were absolutely wanting. The wonder therefore is not that the wheels are found to have become clogged but that it did not entirely break down to pieces at once. There has been considerable success which is, by itself, very creditable and for this much credit is due to the officers of the permanent service who loyally and sincerely put their shoulders to the wheels and navigated with extraordinary courage, patience and perseverance a delicate ship in a stormy sea. There is no doubt that most of those who got into the first Council had not much following in the country outside. The masses were with Gandhi and the Alis. It was not an intelligent following but blind superstition, if you map call it, which dragged the people irresistibly to their camp. The majority in the Council were genuinely anxious to work the Reforms, realized the difficulties of the Government, appreciated their limitation and sense of responsibility

but had to play to the gallery as well. They had no sympathy for the cult of non-co-operation but had strong sympathies with non-co-operators, many of them being their own kith and kin and persons who were held in universal esteem and respect. The result was an indetermination, chaos and want of a definite line of policy.

Nobody accepted the Reforms as final for the next ten years or decided to remain content till then and make the best use of the opportunities created. From the very beginning the Councillors began to complain against the limitations imposed by the Act. Instead of applying their energies to the transferred departments and work them out successfully, attacks on the reserved side were frequent. From time to time demands were made for further advances. Even the Ministers were not free from this defective appreciation of the situation. The people expected much from them. It was expected that by a magic wand they should create a new heaven and a new earth. Instead of bringing home to the people the transitory state of the constitution, they openly complained of their helplessness under the Reforms and openly ventilated their grievances against the Finance Department. One Minister wen to the length of calling himself an " owl ". To crown all, the first three years of the Reformed Government were years of financial stringency, years which saw the introduction of many new taxes. The Ministers were pressed to take up large numbers of schemes but funds were not available. They accused the Finance Department with interference. Instead of explaining the limitations and the demands upon the resources of the Government they generally created an impression that they are helpless and some extraneous power has the control of the purse and that power is unsympathetic towards them. This they did in order to save their own skin. In most cases the speeches created an impression that there was a tug-of-war between the Ministers and the Finance Department. I particularly refer to the speech of an ex-Minister of Bengal at the last session of the Legislative Council of that province. The whole machinery was working artificially : there was no cohesion, no policy. The Ministers could not count upon a party which would support them through thick and thin and on whom they could rely. I am speaking of my own province where the Ministers had no following in the strict sense of the term : nor did they make any attempt to organize. If the Ministers were not frequently defeated it was not due to any majority or strength they had in the Council for their policy, but it was due to the fact that some members had personal considerations for them and they had the block of the permanent officials always at their back. The passage of the Local Self-Government Bill clearly proves what I have said. This was not the fault of the Ministers. As soon as they got into office the general mistrust against the officials was extended to them. Their powers were very limited. They were surrounded with the redtapism of official life. They could not openly discuss the matters of their departments with the public with any air of authority. They were not sure themselves whether their own personal views would be supported by the Government as such. In effect they were treated as bureaucrats of a lesser degree. People could not place in them that complete confidence which is essential for the election of a leader.

To sum up the above remarks, I am of opinion that the Reforms did not work successfully was due not only to the obvious defects of the transitional constitution but also to the following causes :—

(1) The Reforms were much below the expectations of the people.

(2) General mistrust towards the Government prevailing in the years 1918-20 and aggravated in 1921-22 and which continues, though abated, up till now.

(3) Financial stringency and new taxations.

(4) Absence of anything which might capture the imagination of the people.

(5) General political inexperience of the country and absence of the sense of proportion and responsibility.

The inherent defects of the constitution will continue so long as the transitory period lasts. They may be minimised, but cannot disappear. The last cause also will continue for many years. Political foresight and correct thinking can only be learnt in ages : it is a thing which grows with the nation. It cannot be implanted by lectures and speeches. For it ten years are as short as three.

The financial conditions of the Government have improved much and I do not anticipate that for many years to come it will be necessary to resort to any new taxations. What is therefore required is to create an atmosphere of trust. Non-co-operation of the Gandhi school is admittedly dead : there is at present the non-co-operation of the Das-Nehru school. My analysis of their attitude is this. They have realized that the Gandhi non-co-operation has failed and it cannot be revived, but having created an atmosphere in the country it would have been impossible for them to go back from it *in toto*. They have therefore started a programme of what I may call a co-operative non-co-operation. They are yet undecided and undetermined. They did not follow any definite policy either in the Assembly or in Bengal. In Central Provinces the people being more unsophisticated took the words of the authors to the very letter and have created some deadlock. If the Government seizes this opportunity and grants some further advance and does something to capture the imagination of the people, a calm and useful atmosphere can easily be brought about in which the transitory constitution can be worked. Having read the speeches of the Swarajists and their general attitude in the Assembly and in the Bengal Legislative Council I am clearly of opinion that they want something new and some further step to be taken by the Government so that they may have a face to show to the country. In the present condition of India it is almost impossible for any public worker whose programme has entirely failed to come forward and say so. He will have to bring round the country to a new programme through an indirect route and I am clearly of opinion that this is an opportunity for the Government. If they take some further step just now I am perfectly sure the Swarajists will be reconciled and will come forward to work the Reforms to the best of their ability at least for several years to come.

With my profoundest respect to the Government of India, I fail to understand what are the matters which they want to investigate. The causes of the unsuccess are patent and obvious and strike any casual observer. What is required is that an atmosphere suitable for the working of a transitory constitution should be created. However, I give below my views as to the changes which can be made by the exercise of the rule-making powers only while keeping the Act in tact.

(I) The first consideration is whether more subjects cannot be transferred at once. I see no reason why the transferred subjects cannot be materially increased. In my opinion every provincial subject except land revenue, tenancy laws, and local fund audit, can safely be transferred. The police department has been the butt of attacks everywhere and sure

the day it is transferred, the hostility will cease, and a sense of responsibility will be created. The attitude of the Swarajists in the Bengal Council clearly proves what I have said. Excepting some cuts in the Education and Medical budgets, the Swarajists passed the entire budget of the transferred departments. His Excellency the Governor of Bengal having decided to accept the decision of the Council regarding the Education and Medical budgets, a cry has been raised against the vote of the Council, and I anticipate that if the matter is brought before the Council again, they will be passed. In our own Council I have clearly found the Councillors to be very partial towards the transferred departments. They no doubt interfered to a very large extent with the Agriculture Department but that was due to a general impression that this department is useless and a refuge of the useless Europeans. I believe the impression was wrong but it was there and explains the attitude of the Councillors towards it. With the powers given to the Governor in the Act itself I see absolutely no danger even if the police, maintenance of law and order, administration of justice and jails are transferred to the Ministers. Howveer, this is a matter on which opinions may differ but I would submit that the matter is worth investigation and consideration. I see no reason why one should wait till 1929 for the revision of the list of transferred subjects and why a fetish of ten years is being made, for in order to gain political experience and a sense of responsibility ten years are as short as three years. These things grow with the life of the nation and cannot be implanted by artificial means. In order to gain experience failures are as essential as successes and a reformer should not be afraid of taking bold steps simply on the ground that failures may follow.

(II) The second point is that the financial arrangement requires overhauling Either the Ministers should have a purse of their own or the Finance Department should be placed in charge of Minister instead of a Member of the Executive Council. Much heart-burning and mistrust against the reserved side of the Government is due to the fact that it controls the purse. It is believed that the Finance Department, managed as it is by a Member of the Executive Council, is partial towards the reserved departments. I do not mean to suggest that, at any rate in my province, there is any foundation for this belief, but after all popular impressions, though wrong, cannot be ignored. Sentiment is a very important factor in governing human actions.

(III) The position of the Ministers requires some change. At present even the Ministers are treated as a part and parcel of the bureaucracy and are, as such, mistrusted. They are supposed to be inferior members of the Executive Council. They have to play, in most cases, the role of officials, the same reserve, the same paraphernalia, the same guard of honour and the same exclusion. They cannot openly discuss with the people. They cannot indicate the policy of the Government, justify it, argue for it, and assert it with as much vehemence as was expected from them. Everything is confidential. They had no party of their own. They had always at their command about 25 officials and with the support of a few personal adherents they got a working majority in a thin Council. The voting of the permanent officials in support of the Ministers brought in a further element of mistrust. I would therefore suggest that it is worth consideration whether so many permanent officials are really wanted in the Council. Matters on which the people have formed an opinion cannot usefully be debated upon. The votings are then not on the merits. With a large majority of the non-officials in the Council, it does not

matter whether the official members are 5 or 25. At any rate, the permanent officials should, as a rule, refrain from voting on matters connected with the transferred departments. The Ministers should be clearly made to understand that the permanent officials will not be at their disposal. They must carry on in the Councils on their own strength and for that purpose they must organize and form a party of their own. The wholesome provision of the creation of the office of Council Secretaries was respected by its non-observance. I think they should at once be appointed and should assist Ministers in their works in the Legislative Council. The general impression outside the Council is that the Ministers are dominated by their I. C. S. Secretaries and the general mistrust in the Imperial Service men reflects upon the Ministers as well. I think the Secretaries may coach up the Ministers outside the Council; but in the Council itself the Ministers ought to be left to their own resources and the support of their non-official followers. No doubt in the beginning this may lead to the resignation or even unjustified resignation of the Ministers but this by itself will give the people experience and a sense of responsibility. I am not betraying a confidence when I say that the present Minister of Local Self-Government, who was a very vehement opposer of some of the provisions which Mr. Hallett wanted to introduce into the Local Self-Government Act, has become, when in office, converted to the same views.

Much time of the Ministers is taken up in carrying out routing departmental works which leaves them very little time in which to carry on an educative propaganda. Public speaking in justification of their policy should be a rule. It should be considered whether the Ministers cannot be relieved of much of the routine departmental works and whether they should not talk freely with the people and create an atmosphere favourable to the policy which they intend to adopt and whether the official halo round the Ministers cannot be minimised and removed.

The Ministers should be made more independent so that they may be sure of their own grounds. This will help them in approaching the public and influencing them. At present they are very reserved and are unable to enlist on their side the non-official members of the Legislative Council. They are unable to commit themselves to any particular line of action and this has retarded much of the progress towards a real responsible Government.

(IV) The attendance of members in the Council is generally very poor. It should be considered whether some compulsive measures cannot be provided, as for instance, whether it cannot be ruled that if a member does not attend a certain percentage of the meetings without sufficient excuse and without having obtained the previous permission of the Governor or the Legislative Council, his seat should be declared vacant as has been provided in the Municipal and Local Self-Government Acts.

(V) Something ought to be done to capture the imagination of the people. I notice with regret that the bureaucracy are inherently averse to any change, however, incessant the people may be. By way of illustration, I take the case of the separation of the judicial and executive functions. I do not mean to say that I consider the separation an unmixed blessing: I have my own views about it. But there is no doubt that the intelligentsia is very keen about it and the Government stands committed to it. Instead of adopting it with a good grace, they are playing the game of shuttlecock. When the resolution was moved in the Legislative Assembly, it was said by Sir William Vincent that the initiative should be from the

provinces. When the province took it up shelter is taken by saying that the matter is pending before the Government of India. These are facts which give a weapon to the agitators and make the people loose all faith in the administration. My complaint is that the present Government wants to govern with cold reasonings only ignoring the fact that sentiment plays a very important part in all human affairs.

(VI) The Ministers, at least in my province, have been working independently of one another. There is no joint action and no joint responsibility. Each is concerned with his own department and does not take much interest in those of the other. In my opinion it is desirable that the joint responsibility of the Ministers should be established by convention and the Ministers should act in concert and present a united front in the Council. The result will be that the adherents of one will be the adherents of the other and the defeat of one will be taken as a defeat of the other. This will establish what may be called a real ministerial cabinet. If the number of transferred subjects is to be increased as suggested by me (and I see no way out of it) the number of Ministers will have to be raised. Ordinarily there should be not less than three Ministers in each province. Important questions of policy regarding every subject must be decided by the Ministers as a whole, the opinion of the majority prevailing. A convention ought to be established that if a majority of the Ministers decide on a particular course of action, the Governor should agree. I attach great importance to the introduction of this system.

(VII) The exercise of the power by His Excellency the Governor under rule 22 of the Legislative Rules should be rare. I recently saw a correspondence between the Government of India and the Secretary of State and I entirely agree with its principle. The danger of discussing matters which are not primarily the concern of the Local Government is not so much as it is the disallowance which creates a bad impression and makes an ordinary man believe that the Reforms are a sham. If the matter sought to be discussed is such that the Local Government cannot take up a definite attitude upon it, they should say so and they need not take part either in the debate or in voting. A very sound and reasonable opinion in this matter has been expressed by the Joint Parliamentary Committee and I invite the attention of the Government towards it.

(VIII) The departmental committees of the Legislative Council which have been inaugurated should be used as much as possible. Every matter, unless it is of a very confidential nature should be placed before them. The difficulties of the Government can only be brought home to the non-officials if they can really take part in the routine work of the Government. No doubt for many years this will create difficulties and cause trouble but one has to face it if it is intended that people should learn the art of Government by experience. At present the only person who gets experience of the Government is the Minister but what is wanted is that there should be as large a number of persons as possible who should be initiated in the art of Government and should be taken into as inner secrets of the Government as possible.

I have intentionally refrained from giving my opinion about the constitution of the services. This is a matter which has been investigated by the Lee Commission and much has been said about it.

KHAWAJA MUHAMMAD NOOR.

ANNEXURE IV.

**Minute by the Hon'ble Mr. S. Sinha, Member of Council, Bihar and Orissa.**

I am writing this note not as one of dissent but to supplement, from the Indian point of view, the observations of my Hon'ble Colleagues, on the Reserved side, which are embodied in the despatch on the question of a further advance towards provincial autonomy. Before doing so, however, I may state that I am in full agreement with the views expressed in the despatch, except in one instance noted below, on the various remedial measures with a view to remove the mere administrative defects from the working of diarchy. That one point of difference between my Hon'ble Colleagues and myself is in regard to the suggestion to amend section 67-A of the Government of India Act with reference to the constitution and powers of the Council of State. It is not necessary for me to refer at length to this particular point, but I am strongly of opinion that, whatever defects there may be in the constitution and powers of the Council of State from the Government's point of view, it would be a great mistake in the present temper of the people to think of conferring upon the Council powers which may have the effect of controlling the activities of the Assembly. Such powers might have been conferred upon the Council in the Bill itself before its enactment, but just at present, in view of certain recent instances, to which it is not necessary for me to refer in detail, there is a considerable volume of advanced public opinion against the very existence of the Council of State, and any attempt on the part of the Government to invest the Council by means of statutory amendment with larger powers of control is bound to evoke very strong opposition and to deepen discontent. For these reasons I am in favour of leaving the constitution and the powers of the Council of State alone. For the rest, I am in full agreement with the views expressed in the despatch in paragraphs 9 to 23.

I do not find in the despatch any reference to the grievance of the Hon'ble Ministers that " the rules of the Executive business are binding upon the Ministers, though made without consulting them." I am aware that it is so, because the power of making the rules for the disposal of Executive business, in the provinces, is vested under the Government of India Act in the Governor alone. It would be, however, in my opinion, an improvement if the section sanctioning the present practice were to be so amended that the Governor might share this responsibility with all the other members of his Government, so that the rules may carry with them the concurrence of all of them or at any rate of a majority of them.

II

I shall now deal at some length with the view propounded in the despatch that " any discussion of its merits or demerits (*i.e.*, of diarchy) is outside the terms of reference ". I am not quite satisfied that that is so. My reasons are these. In the letter of the Government of India (dated the 8th April 1924), initiating the enquiry, two passages are quoted from the speeches, made on different dates, by the then Home Member, Sir Malcolm Hailey. The extract quoted from the first speech ends as follows :—" It may even be—I can say nothing as to this—that the enquiry may show that some changes are required in the structure of the Act in order to rectify definite and ascertained defects experienced in actual

working ". If I understand this passage aright, it would make the scope of enquiry quite comprehensive, and its object no less than the practical scrapping of the Reform Act itself—if that be found necessary, on the last resort. The second extract from the speech is couched in more guarded language and—if it stood alone—would limit the scope of the enquiry to the removal of the defects, if any, in the working of the Act, through the instrumentality of the rule-making power under the Statute, as the enquiry " does not extend beyond that scope to the amendment of the constitution itself ". But though this is so emphasised in Sir Malcolm Hailey's second speech, I find the following passage appearing in the fourth paragraph of the Government of India's letter under consideration:—" Efficiency in the working of the constitution and increased contentment with its conditions may be attained either by changes in the rules under the Act, or, it may be, by such changes in the detailed provisions of the Act as are not barred by the limiting considerations above referred to ; or "—what follows now is very important, to my mind—" they may be sought in advance towards a further stage of constitutional development ". Then after repeating the limitations laid down in the extract from Sir Malcolm Hailey's second speech (quoted above), the letter proceeds:—" Those limitations restrict the scope of enquiry in this direction, but the Government of India desire that any possibility within the field may be fully explored ". The two extracts reproduced from Sir Malcolm Hailey's speeches, taken along with those I have already quoted from paragraph 4, left room for doubt as to the precise scope and object of the enquiry. It was, therefore, that the Central Government themselves issued their communiqué on May 16th, acknowledging that " some doubt appears to prevail regarding the precise scope of the enquiry into the working of the Government of India Act which has been initiated by the Government of India ". The communiqué, therefore, summarised the scope and the object of the enquiry as follows :—

(1) To enquire into the difficulties arising from or defects inherent in the working of the Government of India Act and the rules thereunder.

(2) To investigate the feasibility and desirability of securing remedies for such difficulties or defects, consistently with the structure, policy and purposes of the Act—

(*a*) by action taken under the Act and rules, or

(*b*) by such amendments of the Act as appear necessary to rectify any administrative imperfections.

But even the official summary, quoted above, leaves the scope and the object of the enquiry a little doubtful. The last clause (*b*) of section (2) which suggest structural changes in the Act as may appear to be necessary to rectify any administrative imperfections by amendments of the Act of 1919 itself is, to my mind, about as vague as the declaration made by Sir Malcolm Hailey in the extract quoted from his first speech.

In this connection it is to be remembered that in the second extract, quoted from Sir Malcolm Hailey's speech, the Home Member declared that he had the full authority of His Majesty's Government in making the declaration that he did on that occasion. In this view of the matter the speech delivered since, as to the scope and the object of the enquiry, by the Prime Minister, becomes very important, as indicating what is at the back of his mind in having directed it. I therefore, quote below an extract from the Prime Minister's recent speech in which a pointed reference is

made to the proposed enquiry. This is what Mr. Macdonald is reported to have said:—" We know of the serious condition of affairs in India and we want to improve it. As Lord Olivier says, without equivocation, Dominion status for India is the idea and the ideal of the Labour Government. If I may say so to our Indian friends: Do your bit for British democracy: keep your faith in a British Labour Government. An enquiry is being held by the Government, which means that enquiry is to be a serious one. We do not mean it to be an expedient for wasting and losing time. We mean that the enquiry shall produce results which will be a basis for consideration of the Indian constitution, its working and its possibilities, which we hope will help Indians to co-operate on the way towards the creation of a system which will be Self-Government ". Now what does it all mean ? Does it imply an enquiry such as was foreshadowed by Sir Malcolm Hailey in his second speech—the amendment of the rules made under the Act—or does it imply one on the lines suggested by him in his first speech and also in the fourth paragraph of the Government of India's letter ? Interpreting the Prime Minister's observations, as well as I can, I am of opinion that what Mr. Macdonald intended to convey was that the committee should suggest substantial amendments in the Reform Act itself, so that the results of the enquiry may be " a basis for consideration of the Indian Constitution, its working and its possibilities " which " may help Indians to co-operate on the way towards the creation of a system which will be Self-Government ". Now I do not suppose it can seriously be urged that some mere tinkering or a few modifications in the rules framed under the Act, is what was at the back of the Prime Minister's mind when he made the declaration I have quoted. Taking, therefore, into consideration the various passages and pronouncements referred to above, I think that we should in our reply to the Government of India's letter, keep in view the wider possibilities of substantial reform leading to Dominion status for India, which seem to me to be well within the purview and the scope of the enquiry. If we merely confine ourselves to suggestions about the alterations or amendments of the rules in force at present, and do not express our views on the substantial amendment of the constitution itself, we may be letting judgment go by default.

III

Leaving aside for the present purely political considerations and confining myself absolutely to the inherent administrative defects of the system in force in the Provincial Governments, the question is what these imperfections and defects are ; and the only reasonable answer is that they are nothing apart from the inevitable concomitants of the system of diarchy itself. I had the advantage of many long discussions with Mr. Curtis when he was touring about the country propounding his scheme of diarchy, and in spite of his being a very persuasive debater. I remained unconvinced, and told him candidly that the system he was advocating would, if adopted, be found practically unworkable, and would fail to achieve its object, either from the administrative or the political point of view. I am, therefore, glad to find myself in agreement with my Hon'ble Colleagues on the merits and demerits of diarchy as the basis of our system ; and I desire to express my complete concurrence with their important observations on the subject to the following effect:—" There is very little that can be done to smooth the working of diarchy, or to eliminate its administrative imperfections. Whatever defects exist are inherent in the system itself ". I am glad to find myself so far in absolute agreement

with them. If (as remarked by the late Viscount Bryce in his monumental work on the American Commonwealth, Volume I, page 357) " the true value of a political contrivance resides not in its integrity, but its adaptation to the temper and circumstance of the people for whom it is designed", then I have no hesitation in saying that no political system could be worse adapted to its objects than diarchy in the provinces of the Indian Empire. The inherent defects of the system of diarchy are patent on the surface. " Parliamentary Governments ", says Professor Lowell (in his standard work on the Government of England, Volume II, Chapter LVI), " avoid deadlocks by making the executive responsible to the Legislature ". " Presidential Government ", he continues, " limits deadlocks because all the organs of the State must alternately submit to a superior tribunal, the electorate of the nation." But a Government like that established in almost all the provinces of India (and Burma)—composed of an elected Legislature and a divided Executive, with a Governor at its head armed with fairly extensive powers and working one-half of the Executive with the aid of a Council appointed by His Majesty the King-Emperor and not responsible to the Legislature, and the other half with the aid of Ministers appointed by himself and responsible to the Legislature—is not only too complex and complicated, but one which, being unknown to constitutional history, is naturally unwarranted by political experience as a satisfactory solution, of the problem of an efficient executive, sufficiently amenable to the control of popular representatives. In this connection I may quote a well-known historical incident which seems to me to have bearing on this point. After Akbar had formally founded and declared himself the high priest of his new religion, Din Elahi, he asked his near relation, Raja Man Singh, to join the new church. Man Singh said : " Sire, I and all I have are yours. I shall gladly obey your Royal Command, but if I had my option, I had rather not do so. If Your Majesty had asked me to become a Musalman, I might have understood it, for I understand Hinduism, and I understand Islam ; but I confess, I do not understand this hybrid creed which Your Majesty has established ". As a wise man, Akbar did not press the matter further. This incident not only adorns a tale, but points a great moral, and is, to my mind, apposite to the question under consideration.

Looking at the question now from the political standpoint, it is not to be wondered at that those educated Indians who seek the abolition of diarchy contend that they understand a benevolent despotism—such as British Government was in this country till the pre-Reform days—and also responsible government, as it obtains in the Dominions of the British Commonwealth, but they do not and cannot appreciate the hybrid system of diarchy which is admittedly neither the one nor the other. It is useless to reason with people who bring to bear upon this question the frame of mind suggested by Raja Man Singh in the anecdote I have quoted, nor can it be seriously urged that they are wrong in taking this view of the matter. In his " Governments and Parties in continental Europe " (Volume I, page 103), Professor Lowell—after analysing the constitutions of various Continental States—points out that the result of his analysis shows that " the foundation of government is faith, not reason." Now if this be true of the European States, it can be predicated with even greater certainty of Asiatic countries and their governments. I have tried to show above that diarchy is not based on valid reason or warranted by the experience of any nation. And as for being able to command in its favour the faith of the people, it is unfortunately the case that in the opinion

of all those who have been working the system, diarchy has completely forfeited it. This is absolutely clear to me—apart from my personal knowledge—from a perusal of the joint note written by His Excellency's Hon'ble Ministers, as also that by the Hon'ble the President of the Legislative Council. There could not be three men of more moderate views in this province than His Excellency's Hon'ble Ministers and the Hon'ble (Khan Bahadur) Khwaja Muhammad Nur, the President, and yet what is it that they suggest, in substance, in their carefully worded notes? Practically nothing more or less than the scrapping of the Act of 1919, or at any rate its scheme of dual control being whittled down to an absolute minimum. They would leave the bare skeleton or the semblance of diarchy with but one Member of the Executive Council in charge of a few departments, but they would let all the others be administered by the Ministers. I think, they could scarcely have asked for less, if, as I believe, they hold the same view of the inherent defects of the system of diarchy itself as I have expressed above. But it is not only they who press this demand. I find from a perusal of the opinions submitted that one of the Secretaries on the Transferred side " would transfer all subjects, except Political and Appointments, if it is necessary to keep some reserved subjects under the Act ; otherwise he would transfer them all." Mr. Heycock, the Commissioner of the Bhagalpur Division, " considers that it is not the working of the Act that is at fault, and only a radical modification of that Act will satisfy its opponents." These two official opinions—expressed by those, who as members of the Legislative Councils, have watched the working of the diarchy—go a long way in supporting the non-official views expressed by His Excellency's Ministers and the President. Taken together they make out a strong case for, at any rate, the practical scrapping of diarchy. For my part, I am satisfied—in spite of my having given my most earnest and careful consideration to the observations of my Hon'ble Colleagues, to which I shall refer later—that now that for better or for worse (I can only hope for better and not for worse), India has started on the road to responsible Government, there is no half-way house in the Provincial Governments, between the old system now superseded and full provincial autonomy—*i.e.*, a constitutional Governor and a responsible Ministry. It may be that this full political paraphernalia may await the next revision of the constitution in 1929, and it may not be considered expedient to establish it all at once in 1924 or 1925, but there can be no doubt that it is bound to come in the near future—perhaps sooner than 1929—as much as the result of the serious administrative defects inherent in diarchy, as of the pressure of public opinion and popular sentiment. In the light of these considerations I do not see my way to differ from the views propounded by the Hon'ble Ministers in regard to the transfer to the Ministry of all departments of the Provincial Government other than those administered in the Political and the Judicial namely the control of the police and the jails, and of the administration of justice (both civil and criminal), or rather of the magistracy and the judiciary, apart from their judicial work.

Adverting to this aspect of the question I find an objection formulated in the concluding paragraph of the despatch in the following terms :— " Assuming that a further step in advance is contemplated, on what grounds is this step going to be taken ? In order to make diarchy more workable ? It is workable now, though creakily. The few minor remedies suggested above may cure a creak or two, but they will affect the larger

questions in no degree whatsoever.. The real question is, are we going to pacify at all cost our clamant critics ? They will be satisfied with nothing but the disappearance of diarchy and in its place the substitution of what is popularly known as provincial autonomy. That appears to be the issue which the Government of India has to face." That is, no doubt, so. But even assuming, though not admitting, that the scrapping of the Act of 1919 is outside the scope of the reference made to us, it cannot be urged that the proposal of the Hon'ble Ministers in regard to the transfer to the Ministry of the reserved departments other than the political and the judicial is beyond the scope of the enquiry, since the necessary changes can be brought about by amending the Statutory Rules in force. If we once start, however, on the basis of the fact that (even apart from political considerations) diarchy as a system has such inherent administrative defects in it that they cannot be removed by means of mere palliatives, then the logical conclusion we are driven to is its abolition as early as possible, and till then minimising—so far as may be—the effects of its admitted imperfections by transferring to the Ministers as many departments as can be done by means of rules under the Act—while maintaining that dual control which is of the essence of the system.

In emphasising this aspect of the question, I am not so much concerned with the attitude of the non-co-operators or no-changers, or even of the Swarajists or obstructionists, as with that section of the community which is neither the one nor the other. There are yet, I believe in all the provinces, but particularly in Bihar, large, stable elements in the population, in all classes and sections of the Indian community, who are still sincerely loyal to the British connection, who are not oblivious of the good that has resulted from it in the past, and who have not yet lost complete faith in the even more beneficient results likely to ensue therefrom, to the great advantage of both Great Britain and India. Claiming to be in intimate touch with these large, important and influential sections throughout Bihar, I can unhesitatingly declare that there is even in the ranks of these classes a deep dissatisfaction with the system of diarchy and a complete distrust of any advantages likely to accrue from it, and they are never tired of telling me so whenever and wherever they meet me.

The fact of the matter is that judged either from the administrative or the political standpoint, the Reforms—the most notable feature of which is the introduction of diarchy in the provinces—as emphasised by the Hon'ble President of the Legislative Council, have caused profound distrust and far from allaying discontent have aggravated the feelings of acerbity "because"— as he puts it—"they were much below the expectations" and therefore failed "to capture the imagination of the people." Take again the opinion of Sir Ali Imam. I reproduce below an extract from the *Times* (London) summarising Sir Ali's speech at a recent meeting held in London :—"The Reforms really gave very little power to Indians. It was shadow without substance. Indians could, of course, hold Ministerial rank, but they could be overruled by the Governors. It was India's wish to remain within the Empire, but unless something be done very soon, it would be too late. As Ireland had gained her freedom, so would India." Now Sir Ali Imam has never been within a hundred miles of even the old Congress, to say nothing of the new. He is by no means a clamant critic or a political agitator. And yet he is reported to have indulged in the strong language I have quoted. It would thus be seen that it is not only those who may rightly be dubbed as extremists or obstructionists,

but that even the vast bulk of the moderate, co-operating and loyal sections of the people are thoroughly dissatisfied with the working of the Reformed Provincial Governments. It is not, therefore, to pacify or placate the avowed opponents of the present system but the moderate and loyal supporters of the administration that I desire that this momentous question may be settled on lines which will remove from the public mind the serious discontent at present prevalent throughout the country. For when all is said and done, the fact remains that in spite of their talking big and loud, the avowed opponents of the Government, at any rate, in this province—are a mere handful, compared with the " sturdy, loyal people " who, though not vociferous, still constitute the vast bulk of the body politic and exert a wholesome and healthy influence on public affairs and supply the resources which keep the Government so smoothly going, on the whole. To attempt to satisfy their legitimate aspirations and to make them more attached to the British connection by removing their sense of distrust and dissatisfaction should be regarded as an act of statesmanship and not as yielding to the clamour of political agitators, and a sign of weakness ; for as the late Lord Minto declared (speaking as Viceroy) only those are really strong who are not afraid of being called weak, when the situation and occasion demand it.

We have to face the admitted fact that diarchy has failed to evoke that " faith " which (on the authority of Professor Lowell) is " the foundation of Government " even in Western countries—let alone the question of its being able to capture the imagination of the politically minded Indians. The only question of practical importance before us, therefore, is—not to diagnose the origin and causes of the present political discontent—but whether we are to stay where we are until 1929, or to attempt to make such further advance as may be open to us to do as a result of the enquiry now undertaken. To answer this question we must take into account the many political, economic, educational and social forces that are operating in our midst, from day to day, and bringing such pressure to bear upon the Government as they are bound to do on all civilised administrations. These coming upon the heels of those other and mightier forces which have followed in the wake of the ideals generated by the great war, have made it impossible for us to stay where we are. Individuals and nations alike are more or less subject to the play of forces beyond their control. Perhaps, but for the happenings of the world-wide war in 1914, the British Government might have waited very much longer without making any such declaration as was done by Mr. Montagu in August 1917. This is the settled conviction of the vast bulk of educated Indians, and has also been expressed by many Europeans and others. Similarly, but for the troubles consequent upon what may be called the enforced enactment of the Rowlatt Acts, early in 1919, and the very unfortunate and tragic incidents in the Punjab a little later, the Reform Act passed in that year might have fairly satisfied the political aspirations of the educated Indians, till the promised first Parliamentary revision in 1929. But in the face of the stern realities, these are now but idle speculations and it seems to me to be too late to think of these might-have-beens in considering the problem. I have to differ from my Hon'ble Colleagues in the view expressed by them about the moderate section of the public men. They say :—" Moderate politicians have felt compelled to join in the demand for an advance, hoping perhaps that Government will make even a small step forward, something that they can acclaim as a victory for moderation, something that will

help them to meet the reproaches of the extremist school." That there may be some people, even in this province, who may come under this category, I shall be the last person to deny or dispute, for I have learnt by experience the unwisdom of generalising about matters Indian—but speaking for the vast bulk of the moderate people, as I know them, I think, I am right in what I have stated at some length above that even they are completely dissatisfied with diarchy and distrust its results in our administration. There could not be more convincing proof of it than the extract quoted above from the speech of Sir Ali Imam.

IV

Coming now to the answer which my Hon'ble Colleagues are prepared to give to the demand for further advance as the result of the present enquiry, namely, that there is no substantial advance to be made in the only direction in which the Rules under the Act might be considered to have left an open door, they concede that Forests might be transferred to the Ministers (as is already the case in Bombay and Burma), and so perhaps the Irrigation branch of the Public Works Department. But I agree that the transfer to the Ministers of these two Departments only would " conciliate nobody and would almost pass unnoticed or at least unacknowledged." The net result is that my Hon'ble Colleagues fail to find some intermediate course between the preservation of the *status quo* and the advent of the Statutory Commission. My Hon'ble Colleagues' arguments seem to me to amount to this : Forests and Irrigation cannot be transferred at present to Ministers because they are intimately connected with the land revenue administration, and the latter cannot be transferred because it is equally intimately connected with other parts of the administrative system on the reserved side ; nor can Finance, so long as the other departments administered at present on the reserved side continue to remain under the Governor in Council. In other words, the working of all the departments on the reserved side is so interdependent that no transfer of any one of them to the Ministers is possible, in my Hon'ble Colleagues' opinion, piece-meal. But this is precisely the line of argument which was adopted by the opponents of the Montagu-Chelmsford Reforms. They contended that you cannot split up vertically a Government which, to be efficient and effective, must work as an indivisible whole and that the transfer to the control of Ministers of any one department would lead to the weakness, if not the disintegration of the provincial Governments. In this province the Government of Sir Edward Gait put forth before the Functions Committee of 1918 a most strenuous opposition to the transfer of Education to the Ministry. But that Committee accepted the popular view and directed the transfer in spite of the attitude of the then Local Government. Now the Education Department has been for more than three years controlled by an Hon'ble Minister, and judging from the fact that his services have received appreciation at the hands of the King-Emperor, I think, I am justified in concluding that his administration of the Education Department has been a success, in spite of all apprehensions at the time when the proposal was under consideration. But to get back to the main issue, it seems to me that the argument of interdependence of the various departments of Government on the reserved side and the consequent impossibility of any further transfer to the Ministry (if accepted) would justify the immediate transfer to the Ministers of all the reserved departments. For what is the contention for the abolition

of diarchy ? Is it not that the executive authority in the body politic is a unified political entity which cannot be split up vertically, all its departments and activities being interdependent, so that you cannot divide and sunder two or more sets of executive—each responsible to a different master—and yet expect them to work—in spite of their lateral character—effectively and run the machine smoothly ? But, however, indefensible from the constitutional standpoint, this very system *is* at work in our midst, and those, therefore, who seek its abolition naturally contend that it is anomalous and illogical and should be done away with, or at any rate, have its defects and imperfections appreciably minimized by vesting the control of all the departments—except the Political and the Judicial—in the Ministry acting under a constitutional Governor. There seems to me to be much force in this contention, and it is this view of the matter that I have supported the proposal of the Hon'ble Ministers, for the transfer to the Ministry of all the departments on the reserved side, except the Political and the Judicial, for in this case the evils inherent in diarchy would be to a large extent minimised—scotched, if not killed.

In the light of my own three years' personal experience of the Departments with which I am connected, I can say, with confidence, that the transfer of the Irrigation Department to the Ministers will be a great improvement from the administrative point of view, as it will bring the working of the entire Public Works Department under one control. As regards the transfer of the Land Revenue administration to the Ministers, I naturally express my opinion with great diffidence, in view of the strong opposition on the part of my Hon'ble Colleagues to this proposal. But it seems to me that their apprehensions are unjustifiable when I find that the administration of the Excise Department, which yields in this province ever so much more than the land revenue, and is in the present temper of the people a thankless task, has been placed under the control of the Ministers.

In regard to the Finance Department, my Hon'ble Colleagues are aware that even in this province (where Ministers have publicly declared in the Legislative Council that they have received from the Finance Department all that they wanted for carrying out their schemes), the public have remained highly dissatisfied with the present arrangement under which a Member of the Executive Council alone can be in charge of the Finance Department, and I find that the Hon'ble Ministers themselves have pressed this point in their note as follows :—" The impotence of the Ministers has been much more aggravated by placing them completely under the control of the Finance Department, as appears from rule 37 of the Devolution Rules. For instance, the Finance Department in dealing with a plan of building advises the knocking down of a portion of the building, which may be absolutely necessary. It also similarly advises the appointment of sub-assistant surgeons where the services of assistant surgeons are needed. We would not dispute the right to offer reasonable advice on the part of the Finance Department in regard to schemes involving new expenditure, but the Finance Department should not have such wide powers as it has at present." Speaking from my experience of the Finance Department, I do not think that its working in its relation to the Ministers' proposals, or for the matter of that with those of any other member of Government in charge of a spending department, goes beyond that of the Treasury in Great Britain in the matter of examining proposals administratively sanctioned by any member of Government. But what in Great Britain is

not usually resented on account of the long constitutional traditions of public life and the ripe political experience of public men, has led in our Provincial Governments to perpetual bickering friction between the Ministers and Finance Department. It is urged that the provincial Finance Member practically nullifies by his refusal the Minister's administrative sanction for their projects, and that he thus virtually exercises a power of veto over the Ministers' proposals and policy while technically acting quite correctly, as only a Finance Member can exercise legitimate treasury control. It is also urged that the Ministers' appeals to the Governor are ineffective against the Finance Department. This question has been strongly agitated of late by various ex-Ministers, and notably by Mr. C. Y. Chintamani. Since His Excellency the Governor was pleased to place me in charge of the Financial portfolio my connection with the department has been the subject of many comments in the press of the country, and a point has been made that I am in charge of a department, the portfolio of which I would have been disqualified to hold had I been a Minister. I quote below a short paragraph from a recent editorial in "The Leader" bearing upon this subject :—"The rule that Finance must always be in charge of a member of the Executive Council and never of a Minister, is equally absurd and unjustified, and it is not sanctioned by any provision of the Government of India Act. In Bihar the Finance Member of the Executive Council is the Hon'ble Mr. S. Sinha—the only Indian Member of the Executive Council anywhere in India who holds the privileged position. If Mr. Sinha had been a Minister he would not have been eligible for the position. What an incongruity ! Nor, so far as fitness goes, is Mr. Sinha the one swallow that does not make a summer. There are in all the provinces others like him, as Mr. Sinha will be the first man to admit. And is the financial administration of Bihar less efficient than, for example, of the United Provinces ? Prejudice is the only explanation of the present rule." There seems to me to be, on the face of it, some force in the objections urged against the present system which (under the rules made under the Act) makes it obligatory that the member of Government in charge of the Financial portfolio shall be necessarily an executive Councillor and not a Minister. I am not satisfied that there is any special advantage in retaining this rule. I have no apprehension that a Minister, if in charge of the Finance Department, would be unwilling to spend the requisite amount for the maintenance of law and order or the administration of justice. I, therefore, see no insuperable objection to the transfer of the Finance Department to the Ministry, or at any rate so amending the rule that it may be possible for a Minister also to hold the portfolio of Finance.

It is often said against the demand for further enlargements of the Ministerial responsibilities that the transfer of any more reserved departments to Ministers would clash with that criterion of security which is fundamental for India's progress. Now it would be idle to deny that the Government already established in the provinces or that which is likely to come into existence in the near future, not later certainly than 1929, may not be as strong and as efficient as was the pre-Reform British Government in this country. But my view is quite clear on the point that, it having been rightly or wrongly declared by the King in Parliament and embodied in the preamble to the Government of India Act, 1919, that the form of Provincial Governments is to be ultimately a constitutional Governor and a responsible Ministry, it is idle now to contend against the widening of the powers of the Ministers, on the ground of any prospective apprehension of comparative insecurity. In a matter like this one can but hope

for the best and pray that our Ministers may be strong enough to maintain law and order. It is to avoid any too rapid changes and to avert the chances of any prospective insecurity, that I have come to the conclusion that the Political and the Judicial Departments should continue to be in charge of the service member of the Executive Council (till the next Parliamentary revision) the rest of the departments under reserved control at present being transferred to the Ministers from now, so as to give them wider scope for administrative experience and qualify them to undertake full Ministerial responsibilities for all the departments in due course.

I find, however, in the despatch very serious objections urged by my Hon'ble colleagues against this proposal. It is declared in paragraph 25 that " to any such half-way house the Governor in Council is unhesitatingly opposed, briefly for two reasons. " These are stated to be that " it is not a workable administrative proposition ; secondly, . . . . it will absolutely fail to achieve it (the object in view)." It is, further, stated in paragraph 26 that " in the opinion of the Governor in Council the proposition has only to be stated with its inevitable implications to demonstrate its administrative futility. It could not last a year in practical working." The same paragraph ends as follows :—" If diarchy is to persist at all the limits of permissible division were practically reached at the outset. " Taking these passages together, I gather that in the opinion of my Hon'ble Colleagues there is no *via media* between retaining diarchy as it subsists at present and its supersession by complete provincial autonomy. That I am not wrong in my view is borne out by paragraph 28 of the despatch in which it is stated that " the true issue lies between the concession or refusal of the changes which the term provincial autonomy connotes. " For my part, I was under the impression that (as laid down in the preamble to the Government of India Act, 1919) responsible government was to be worked up to, both in the provincial and in the Central Governments, by means of successive stages, and it was in this view of the matter that I have developed and elaborated my arguments, at some length above, by suggesting that the next step between the subsisting arrangement in the provinces and complete provincial autonomy should be the transfer to the Ministers of all the departments now being administered on the reserved side, with the exception of those known in Secretariat parlance as Judicial and Political. And I must state that it never occurred to me that " the limits of permissible division were practically reached " when the Act came into force in 1919. Now that may or may not be so technically. But in view of the opinion expressed by my Hon'ble Colleagues that any further transfer of departments, administered on the reserved side, to the control of the Ministers will be found so unworkable as to produce a deadlock in the whole machinery of Government in a year's time—the question as to whether any such transfer is admissible or permissible becomes but an academic one. Assuming, however, the correctness of the view propounded in the despatch that it would be inexpedient and unwise to transfer any more departments to the Ministers, the conclusion we are then naturally driven to is that there should be a supersession of the present system in the provinces by complete provincial autonomy. My Hon'ble Colleagues, though accepting it as the inevitable logical conclusion of their own arguments, decline to discuss this question on the ground that " it falls outside the terms of the present reference " and as such " the Governor in Council expresses no opinion " on it. In my opinion, however, for reasons I have given above, this aspect of the question is not excluded from the reference made to us and is within the purview

of the scope and the object of the enquiry. I find it stated, in paragraph 24, that in the opinion of my Hon'ble Colleagues themselves, it is the demand for complete provincial autonomy "which is, in fact, the origin of the enquiry now in process." That being so, I think, I am fully within my rights in expressing my opinion on this aspect of the question. For my part, as stated above, I am in favour of the extension of the powers of the Ministers on the lines mentioned in this note, leaving it to the working of time to bring about provincial autonomy, in due course. But I am not prepared to dissent from the opinion of my Hon'ble Colleagues (who as veteran administrators are in a better position than myself to judge of administrative possibilities and difficulties) that my proposal, if carried out, would bring about a dead-lock in a year's time. In the circumstances, I have no alternative but to suggest that the present system in the provinces be superseded by the establishment of complete provincial autonomy —which alone seems to be the true solution of the difficulty.

I am sorry that this note has become rather long. My desire to place before the Government of India, as well as I can, the various aspects of this important question, from the Indian standpoint, is the sole justification for the length of this note.

PATNA ;

*The 18th July 1924.*

S. SINHA.

# CENTRAL PROVINCES.

Letter no. 293-I., dated the 7th July 1924.

From—The Chief Secretary to Government, Central Provinces,

To—The Secretary to the Government of India, Home Department.

I am directed to refer to Mr. Crerar's letter no. F.-166-Pub., dated the 8th April 1924, asking for the opinion of the local Government on the working of the existing constitution. The terms of reference to the local Government were subsequently summarized in a *communiqué* issued by the Government of India as follows :—

(1) To enquire into the difficulties arising from or defects inherent in the working of the Government of India Act and the rules thereunder.

(2) To investigate the feasibility and desirability of securing remedies for such difficulties or defects consistently with the structure, policy and purpose of the Act :

(*a*) by action taken under the Act and the rules, or

(*b*) by such amendments of the Act as appear necessary, to rectify any administrative imperfections.

2. *Picture of the working of the system of dyarchy.*—In paragraph 2 of their letter, the Government of India ask the local Government to present an actual picture of the working of the system of dyarchy during the last three years both in the legislative and the administrative sphere I am to refer to the note on the working of the reformed constitution attached as Annexure A to this letter. It will be convenient here to summarize the salient features of this note. In the first place, owing to the conditions prevailing when the Reform Scheme was introduced, the Legislative Council could not in any sense be described as representative of the electorate. Nor did the members themselves try to remedy this defect by taking their part in the political education of the electorate outside the Council Chamber, by addressing meetings of their constituents, explaining their rights and duties and enlightening them regarding the scheme of the Reform Government, the work of their representatives within the Council and the powers and responsibilities of the various parts of the machinery of Government. This fact deprived the first experiment in dyarchy of much of its value as a training for the electorate of the province. Another important feature of the first Council was the entire absence of political parties with definite political programmes. The members entered the Council as a fortuitous collection of individuals, and such grouping of parties as subsequently developed was according to communal, territorial or class interests, *e.g.*, Hindus *versus* Muhammadans, Berar members *versus* Central Provinces members, members from Hindi-speaking districts *versus* members from Marathi-speaking districts. In these circumstances, the formation of a ministerial party was not practicable, and the Ministers, so far as getting their measures through the Council was concerned, were not in a much better position than the other members of Government. Another unfortunate consequence was that the members

of Council failed to make the sharp distinction between the Reserved and Transferred departments which the Reform Scheme predicated. It was within the Council Chamber itself that most success was achieved in the new form of Government. Here Ministers and members of Council were brought into touch with problems of administration and obtained some experience of the actual exercise of responsibility. In this respect the Standing Committees played a valuable part. Much useful legislative work was done and by means of resolutions and questions every part of the administrative machine was explored. In agreeing to increased taxation after a first refusal, the Council shewed a sound sense of responsibility. Generally the debates shewed an increasing tendency towards moderation and concentration on essentials, and by the closing period of the Council's life a considerable degree of mutual understanding had been established between the members of Government and the members of Council, between the officials and the non-officials. It must be emphasized that the work of the first Council was handicapped throughout by financial stringency which led to hopes of advance and development in many directions being disappointed.

The Executive Government worked without undue friction, the fact of one of the Ministers being a retired Deputy Commissioner contributing to this result. Such friction as occurred arose mainly over personal questions connected with the control of the All-India Services. The absence of friction over matters of policy may have been partially due to the absence of the party system, which prevented a Minister from taking a firm attitude in the expectation that he would be backed by a majority in the Council. However that may be, the fact remains that the Ministers themselves on no occasion offered to tender their resignations in order to enforce their policy nor was there any attempt on the part of the Council to force their resignation. These features affected the value of the experiment in partial representative Government, since they obscured the capacity of the ministry and the Council to govern wisely. In the absence of a solid ministerial party with a definite programme, Ministers are not in a position to reject the advice, which the Governor is bound to give them in compliance with the instruction to do all in his power to maintain standards of good administration. In these circumstances, disagreement between the Governor and his Ministers will not be followed by the consequences which would follow, if the Ministers had a full sense of responsibility to the electorate and were aware that departure from a party programme entailed resignation. Lack of funds to finance new schemes was another serious hindrance to the successful functioning of dyarchy for the purpose with which it was instituted, since it restricted the ministry seriously in the exercise of initiative. His Excellency the Governor's action in certifying demands was recognized to be a reasonable exercise of his discretion. The picture would not be complete without some reference to the contribution rendered to the success of the experiment by the permanent services, who, in spite of some unrest caused by the frequent attacks upon them in the press and in the Council, worked loyally to carry out the policies laid down in the Transferred departments by the Ministers and Council.

To sum up, the value of the experiment as a test for further advance towards responsible self-government was weakened, firstly, by the lack of organic connection between the members and their constituents: secondly by the absence of any party organization which would have made effective

the responsibility of Ministers to the Council, itself responsible to an electorate ; and thirdly, by lack of funds. That dyarchy as a system of Government worked with a fair measure of success was due partly to the moderation of the Council and partly to the efforts made to work the scheme by the members of Government and the permanent services.

3. The main conclusion to be drawn from this picture of the working of dyarchy is that it affords no ground for suggesting any early change in the system of Government. The basis of the Reform Scheme of Government was the gradual training of the electorate by the exercise of responsibilities proportionate to their capacity for the time being. Throughout the discussions leading up to the passing of the Government of India Act, emphasis was laid on the need for the political education of the electorate so that they may acquire " the habit of considering political issues as issues to be decided by a man's own judgment of realizing the value of the proper use of a vote, and of judging candidates with regard to their fitness to represent the elector's views " (paragraph 263 of Montagu-Chelmsford Report). It was recognized that this political education must be a slow and difficult process and that an electorate of sufficient size and quality could not come into existence for a long time. In this province as already pointed out, the political education given to the electorate during the period of the first Council was very small owing to the abnormal situation. The electorate failed to learn the most elementary lesson, *viz.*, that their own Ministers are responsible for certain things and that it is through their own members that they must seek relief. The recent elections shewed clearly that they have not yet learned the use of the vote. Swaraj was put before them as a vague millennium likely to result in all kinds of material benefits. Although the Swarajists claim to have received a mandate from the electorate for their obstructive policy, no attempt was made to explain this policy to the bulk of the voters. Many of the candidates made no speeches, some issued no broadsheets and in only a very few of the speeches or broadsheets was the statement made that the candidate was pledged to abolish dyarchy ; indeed the majority of the electors do not know the meaning of the word. The apprehensions expressed by Sir Benjamin Robertson in his note forwarded with this Government's letter no. C.-105, dated the 30th October 1918, " that the most unscrupulous candidates who are ready to make the wildest promises and will not shrink from the lowest form of electioneering devices will be likely to succeed " have been justified. It was hoped that the grant of wider representation to local bodies would do much to dispel the apathy of local electorates, but even in local affairs voters with every advantage of local knowledge have not yet learnt the value of their vote and make no effort to control their representatives in matters vitally affecting their interests. The immensity of the problem in this province will be realized from the following figures. In the Central Provinces and Berar there are nearly fourteen million people of whom under six hundred and fifty thousand, or less than 5 per cent., are literate. These figures are the more telling when it is remembered that the test for literacy is merely the ability to read a letter and write an answer in the vernacular. The population includes over two million Gonds, of whom less than eleven thousand are literate, nearly one million and a quarter Mahars, of whom only about sixteen thousand are literate, nearly nine hundred thousand Chamars, of whom only about three thousand seven

hundred are literate. The Gonds, Mahars, Chamars, Kunbis and Telis together comprise nearly half the population of the province, and all together include only about one hundred and eight thousand literate or about 1.7 per cent. The franchise covers about 1.1 per cent. of the total population, most of them illiterate. In this matter of removing the ignorance of the electorate it is significant that the local bodies, which are for the most part dominated by the higher castes with leanings towards the Swaraj creed, have so far shewn no inclination to take advantage of the compulsory Primary Education Act. The position of Government is a difficult one. When both parties attack the Government—the Moderates with a view to progress along constitutional lines and the Extremists with a view to bringing the Reform Government to a standstill, the case for the Government is never placed before the electorate and cannot be placed before it during an election so long as the Government Servants' Conduct Rules remain in force. In these conditions it is impossible for the Government case to obtain a fair hearing, and this appears to be a real weakness of the Reform Scheme for which it is most difficult to devise a suitable remedy. In any case, it must be recognized that time is necessary for the development of responsibility in the electorate and for the growth of proper relations between the constituencies and their representatives. A period of four years is far too short in which to expect the growth of political ideas in an electorate so handicapped by illiteracy and general lack of the political sense. The conclusion of the Governor in Council is that till the electorate give evidence of an active and intelligent use of the franchise, it would be premature to make any further advance in the direction of responsible Government.

4. *Devolution Rules 3 and 6 with Schedules I and II.*—It follows from the conclusions of the last paragraph that the Governor in Council is not prepared to make any drastic recommendations for the transfer of further subjects from the Reserved list. Such transfer is urged in some quarters as a means of removing the discontent of the politically-minded classes, but the Governor in Council can only proceed on the assumption that an enlargement of the responsibilities of the Ministers and the Council must be justified by the progress in the political education of the electorate. He would view with grave concern any addition to the burden of the electorate at their present stage of development. Moreover, when funds are available the subjects now transferred will afford ample scope for the exercise of initiative and powers of organization and provide a fair field for the test fitness for a further advance towards complete representative government. The existing distribution of subjects thus secures the object with which dyarchy was established. ..

A detailed examination of the list of Reserved subjects shows that there is no important subject, the administration of which would not certainly provide occasions for disagreement on matters of policy between the Governor and his Ministers, which could result only in a deadlock or in the acceptance by the Governor of a policy calculated to cause harm or loss. It might be possible to transfer a few minor subjects without risk or inconvenience, but this is not, the Governor in Council considers, likely to be of any administrative or political advantage. The inability of important sections of the electorate, *e.g.*, the tenants, to realize that the Councils afford them a means of securing satisfaction of their demands, must be allowed full weight. It might well happen that a measure pressed by the Ministry and accepted reluctantly by the Governor would a few years

hence be bitterly assailed by a class now too backward to make its influence felt.

5. *Proposals for the amendment of the Act and the Rules thereunder with a view to the rectification of any administrative imperfections.*—Rule 36 of the Devolution Rules prescribes that in each Governor's province there shall be a Finance Department which shall be controlled by a member of the Executive Council. This rule and the position occupied by the Finance Department generally have been criticized on the ground that Ministers are thereby placed at a serious disadvantage in obtaining money for their departments. The Joint Select Committee in paragraph 13 of their report attached the greatest importance to the formation in each province of a strong Department of Finance which will *serve both sides of the Government alike,* and I am now to show how this instruction has been followed in this province. The rules under the Act are so framed as to secure a fair and impartial distribution of money between the various departments. This distribution is effected not by the Finance Member, as the critics of the Finance Department sometimes suggest, but by the whole Government, it being a matter for agreement between the Executive Councillors and the Ministers (Rule 31). In the event of disagreement the matter is referred to the Governor (Rule 32) and thus an impartial arbitrator between the two sides of Government is secured. In this province the joint purse system was followed throughout, and action under Devolution Rule 32 was not found necessary. The budget was discussed in detail by Members and Ministers at a Cabinet meeting presided over by His Excellency the Governor, and no difficulty was experienced in reaching decisions acceptable to both halves of the Executive Government. Further Rule 36 requires that if the Ministers so require, a Joint Secretary in the Finance Department must be appointed by the Governor after consultation with the Ministers, who shall be specially charged with the duty of examining and dealing with financial questions arising in relation to the Transferred departments. The proof that the rules have worked smoothly in this province is to be found in the fact that when a Resolution for the appointment of a Joint Secretary was moved in Council, it was opposed by the Ministers and was withdrawn. The steady growth of expenditure in the Transferred departments and their frequent failure to spend up to their full allotments disposes of the criticism that the Transferred departments in this province have been starved.

The fundamental mistake made by the critics of the Finance Department is the assumption that the dyarchic principle extends to the financial system. So far as the budget is concerned, the system of Government laid down by the devolution rules is a unitary one ; this has been extended to all financial business by the convention which His Excellency the Governor has established that an objection by the Finance Department must prevail unless it is overruled by the whole Government. In the last resort, therefore, orders are issued by Government as a whole. The one point in the criticism directed against the working of the Finance Department that has any force is the fact that the Finance Member, being in charge of other departments as well as Finance, has a slight advantage over the Ministers in relation to these departments. Human nature being what it is, the Finance Member cannot be expected to have such an open mind on the merits of his own projects from the financial point of view as he has on the projects of other members of Government. But

as the budget has to be passed by the Government as a whole, is scrutinized by the Finance Committee and voted by Council, the advantage gained by the Finance Member can extend only to reappropriations in the course of the year, and in this province these reappropriations are submitted to the Standing Committee and the Finance Committee unless they are very small. Moreover, His Excellency the Governor has always insisted that the proposals of the Hon'ble Member, Finance, in his own departments (*e.g.*, Land Revenue, Irrigation) should be scrutinized in the Finance Department, and in fact such proposals are scrutinized with the same care and impartiality as the proposals of Ministers. The only change in the rules that the Governor in Council has to suggest is that Rule 31 of the Devolution Rules might be amplified to make it clear that the budget must be discussed by the Government as a whole.

The alternative to the present system by critics of the working of the Finance Department is the introduction of full responsible Government. To make finance a Transferred department would merely accentuate the present defects and render it difficult for Government to discharge its responsibilities for the Reserved departments. The Governor in Council is satisfied that the provisions for the constitution and working of the Finance Department have been successful and when supplemented by one or two conventions are suitable to the transitional stage of dyarchy.

6. *Electoral Rules under Section 72A (4) of the Act.*—The question of franchise and constituencies was exhaustively examined only five years ago. Nothing has occurred in the interval to justify any drastic changes in the decisions then reached. The existing electorate cannot be said to have attained a proper appreciation of the duties, responsibilities and advantages which spring from the privilege of enfranchisement, nor has there been any public demand for an extension of the franchise by classes desiring that extension. His Excellency the Governor in Council has therefore at present only two small modifications to suggest in the rules. Certain areas, which were considered at the time of the enquiry to be unfit for the political franchise, are represented in the Legislative Council by nomination by His Excellency the Governor. One of these areas is the Mandla district (excluding Mandla town). The residents of this district have been pressing for some time for the extension to them of the political franchise and at the session of the Council held in January last the nominated member for the district moved a resolution to that effect which was carried. In 1918 when the franchise rules were framed, the Local Self-Government Act had not been extended to the Mandla district. The Act was extended in 1922 and the district now possesses a District Council with an elective franchise. Although still a very backward district, it has undergone some political awakening and in these circumstances His Excellency the Governor in Council considers that the conferral of the political franchise should no longer be deferred. The acceptance of the proposal will necessitate some modifications in the Electoral Rules. It will be necessary to delete Rule 3 (*c*) (*i*) and to add another item to Schedule I, *viz.*, after Seoni district there will be an item, in the same form, for Mandla district. Mandla town will continue, as at present, to be included among the towns in the urban constituencies of the Jubbulpore Division.

The second modification suggested is in connection with the two rural constituencies of the Buldana district (Berar). At present the Buldana

Central constituency comprises the taluqs of Chikhli, Mehkar and Khamgaon with an electorate of 4,198 ; and the Malkapur-Jalgaon constituency comprises the two taluqs named with an electorate of 2,957. The Governor in Council recommends that the plains taluq of Khamgaon should be allotted to the two other plains taluqs of Malkapur and Jalgaon, and that the two ghat taluqs of Mehkar and Chikhli should be left together. The constituencies will then have electorates of 3,974 and 3,181, respectively, and the grouping will be more in accord with natural affinities. The proposal involves the following change in Schedule I to the Berar Electoral Rules :—

| | |
|---|---|
| Buldana, North : Ditto .. | The Malkapur, Jalgaon and Khamgaon taluqs of the Buldana district. |
| Buldana, South : Ditto .. | The Chikhli and Mehkar taluqs of the Buldana district. |

7. *Date and duration of Council Session.*—Section 72-B (2) of the Act gives the Governor alone full discretion regarding the summoning and proroguing of the Legislative Council. While it would be improper to impair this right in any way, the Governor in Council considers that as the allotment of time to the various branches of work is a matter which concerns each member of Government, it would be an advantage to have a rule of business under Section 49 (2) of the Act requiring that the Governor should consult each member of the Government before finally settling the date and duration of a Council session. This has been the practice in this province.

8. *Joint deliberation of Members and Ministers on questions of policy.*—The Joint Select Committee in their report (*vide* note on clause 6) laid great emphasis on the desirability of fostering the habit of joint deliberation between the members of the Executive Council and the Ministers, sitting under the chairmanship of the Governor. In this province every effort has been made to carry on the government in the spirit of these instructions (*vide* paragraph 5 of report, Annexure A), but to secure uniformity the Governor in Council considers it desirable to include in the rules of business made under Section 49 (2) of the Act a rule requiring joint deliberation between both halves of the Government in all questions of important policy.

9. *Joint responsibility of Ministers.*—It has been suggested to the Governor in Council that one means whereby the training of the Ministers and the Council in Parliamentary methods could be accelerated would be by the introduction of a rule enforcing the joint responsibility of Ministers. The report of the Joint Select Committee lays great stress on the expediency of consultation between the two halves of Government and on concerted action between the two Ministers [*vide* paragraph 5, notes on clauses (1), (4) and (5) of the Report], but the question of the joint responsibility of the Ministers in the strict Parliamentary sense does not seem to have been considered. By joint responsibility is meant the constitutional practice whereby if the policy of Government in some important matter in one department is attacked, the whole Government is held responsible and if the policy does not commend itself to the legislature, the whole body of the Government members resigns. With an irremovable Executive Council, only a partial system of joint responsibility could in any case be secured by the resignation of the Ministers, and under the system of dyarchy the convention might result in the resignation of an approved Minister because his colleague had insisted on a

course of action that the Minister himself did not approve but which had obtained the support of the irremovable part of the Government. A needless and unfair sacrifice might thus be made of a promising statesman. At the same time this situation would be unlikely to arise if the ministry as a whole were committed to a party programme beforehand. In this connection an important factor to be considered is the scantiness of the material available in this province for the selection of men fitted to hold the post of Minister. The argument that the convention would strengthen the position of the individual Minister does not appeal to the Governor in Council. He considers that at the present stage of development in this province it would be wrong to introduce by rule a convention of this kind which would mean the absolute rule of the majority party in the Council in the Transferred departments. He would prefer to let the convention come into being by a natural process of growth as the result of the development of party organizations. He has no objection, however, to the insertion in the Instrument of Instructions of an instruction that His Excellency the Governor should do his best to foster the growth of the idea of joint responsibility among the Ministers.

10. *Reconstitution of the provincial area.*—The Governor in Council desires briefly to refer to the possibility of securing more success in the working of dyarchy or any system of responsible Government by a redistribution of the province on a linguistic basis. In paragraph 10 of the note on constitutional reform submitted by Sir Benjamin Robertson with his letter no. C.-188, dated the 18th October 1917, he expressed himself as opposed to any reconstitution of the province, which formed a fairly compact area with two linguistic divisions, Marathi and Hindi. The period of the Reform Government has, however, witnessed the growth of certain disruptive tendencies which are described in paragraph 11 of the note annexed, and it is a matter for consideration whether the present mechanical and artificial unity, which was suitable for a bureaucratic system, is not likely to prove a handicap in the progress of the province towards responsible Government. The Governor in Council considers that the division of the country into areas with some natural unity of language, race and religion, would probably give the experiment a better chance of success in the future, but he recognizes that any movement in this direction could only take place after a decided expression of opinion by the provincial Councils themselves.

11. Before submitting his reply on this important reference the Governor in Council considered it desirable to consult the two gentlemen, who served as Ministers throughout the life of the first Council, Mr. S. M. Chitnavis, I.S.O., and Rao Bahadur N. K. Kelkar. Their memoranda are printed as Annexure B to this letter. Some of the points raised by the late Ministers have been dealt with in this letter, while others are outside the scope of the reference ; as regards the remainder, I am to say that the Governor in Council is unable to support the proposals made. I am also to attach a Minute of Dissent recorded by the Hon'ble Sir M. V. Joshi, Home Member.

## MINUTE OF DISSENT.

I do not agree with the conclusion that there is no case for a further advance towards responsible Government. That conclusion is mainly based on the limited nature of the franchise, and the ignorance of the present small electorate of political issues, and the resultant election of representatives pledged to obstruction at the second election. It is true that the electorate is small and the electors mainly illiterate, but the latter fact does not necessarily connote want of interest in or appreciation of political issues. Voters who are ignorant of the word Dyarchy and the assumptions involved in it absented themselves largely at the first elections on the Congress mandate, and voted for Swarajist candidates in opposition to Liberal or Independent candidates at the second election. That the Swarajists were believed to be fighting the battle in the interests of the electors was, I believe, a significant fact grasped by the electors at the second election. Considering how recent has been the awakening of political consciousness amongst the electors, the appreciation by the electors of candidates whom they believed to be working in their interests was a fact of great value.

At the present juncture I think the more important point to be considered for further advance should be the capacity of the representatives at present available in the province and the manner in which they may be expected to work in the interests of the people at large. If the required number of representatives of the desired calibre are available, the fact that the electorates are not sufficiently discriminative in their choice should not be allowed to come in the way of a further advance. After all, a wider franchise and a more intelligent or politically-minded electorate are only means of getting the most representative and capable representatives into the Council. If this goal is attainable at present, an advance may be justified. I would tabulate the relevant heads under which the matter should be considered :—

(1) Interest taken by the electors in the first and second elections ;

(2) The electors being only a small proportion of the entire population ;

(3) Interest taken by electors in keeping their representatives at a high level of usefulness by constant watch over their conduct in Council ;

(4) The work done by members of Council during their first tenure of office being dominated by a desire to advance general interests or only class interests ;

(5) Absence of party system in the first Council ;

(6) Want of previous experience of members and Ministers in administration ; and

(7) Capacity of Council members of the class now available to deal with subjects coming before the Councils.

The first three relate to the electorates and the latter four to the representatives.

It is obvious that the latter four heads are more important than the first three. It was observable that in the last year of the first Council, the members did better work than in the first two years. They dealt with matters of general importance and did not confine their attention to class interests. My view is that in Reserved subjects, the members were distrustful of Government motives and policies and were less prone to listen

to reason and argument. The position would certainly have been better if they had been given responsibility for all subjects. The Extremist section in the second Council could not have followed their policy of obstruction, if they had exercised full responsibility for the entire provincial Government.

The absence of the party system was natural. The Moderates, Extremists, Independents had all one aim—to oppose the Government and to force changes in the administration which they generally believed to be in the people's interests. The concentration of effort was a continuous battle against Government, and local issues which might be the basis of party system hereafter were all thrown into the shade. The first elections being what they were, neither the electors nor the representatives felt any necessity of holding to account or being accountable.

One thing is clear that dyarchy as a working experiment neither had nor can have a fair trial. Full provincial autonomy might be attended by some risks, but it would be a right test for deciding whether Parliamentary forms can be properly worked in the interests of the people at large. The constitution might have been safeguarded by retention of larger powers to the Governor under defined limitations and this can be done even now. For these reasons, I consider that all provincial subjects should be transferred.

PACHMARHI :

*The 21st June 1924.*

M. V. JOSHI.

## ANNEXURE A.

## A PICTURE OF THE WORKING OF THE REFORM SCHEME OF GOVERNMENT IN THE CENTRAL PROVINCES.

### I.—Legislative Council, 1921—1923.

The Government of India ask the local Government to present an actual picture of the working of the system of dyarchy in the last three years, both in the legislative and in the administrative sphere, attempting to separate, as far as possible, the features of the situation which appears to be due to temporary causes or circumstances and those which may be held to be due to characteristics of a different description.

1. *Election of December 1920.*—To understand the position of the last Council, reference must be made to the conditions under which the elections were held. The elections were coloured by two influences. The first was the ignorance of the electors, the second was the non-co-operation movement. In December 1920 political feeling ran high, and a determined attempt was made by the non-co-operators to boycott the Council and bring it into contempt. The unscrupulous methods used, backed by the ignorance of the electorate, met with a considerable measure of success. In 30 out of the 53 constituencies, there was no contest, while in the 23 constituencies, in which contests took place, only 22 per cent. of the voters actually recorded their votes. Moreover, the attempt by the non-co-operation party to bring the Council into contempt was responsible for the return of some members of low social status, such as a tailor, vegetable-seller and petty shop-keeper, and was also responsible for the abstention of many gentlemen whose abilities and knowledge of public affairs would in ordinary circumstances have marked them out as fitted to take their place in the legislature. There was no electoral organization in the constituencies and no party machinery. These circumstances, coupled with the fact that the percentage of enfranchised persons to the total population was only 1.1, deprived the new Council of any claim to be really representative of the province, though the Berar members could perhaps claim to some extent to represent the electorate.

The Legislative Council entered on its duties with little previous experience of important public affairs. It included only five non-official members who had sat in the pre-reform Council ; some others, mostly from the few urban constituencies, had previously taken part in local affairs, but a considerable proportion of the rural members were making their first entry into public life.

2. *Selection of Ministers.*—It was hardly to be expected that a Council so constituted would be divided into parties organized on Western lines. It will be shown in the next paragraph what party development ultimately took place, but at the outset His Excellency the Governor was faced with the task of finding Ministers who would be personally acceptable to the Council, though not the nominees of any particular party in the Council. No member of suitable calibre from the Northern Hindi-speaking part of the province being available, the choice fell on Mr. S. M. Chitnavis, I.S.O., and Rao Bahadur N. K. Kelkar, the former (Parbhu by caste) a retired member of the Commission and one of the largest landlords in the Maratha part of the province, the latter (Maharashtra Brahmin by caste) a member of the Bar, a prominent worker in the co-operative

credit movement and a leading member of the old Legislative Council. The absence of any representative of the north of the province in the local Government was throughout the life of the Council resented by the members from the Northern districts. There were also complaints from the Muhammadan community regarding their lack of representation in the local Government, but as that community constitutes less than 4 per cent. of the total population, the grievance was not well founded.

3. *Party Organization.*—Party organization within the Council at no time showed any but the most elementary development. Political parties with definite political programmes were non-existent. Although the Ministers had adherents, these could not always be relied on, and there was no party which could be called a ministerial party. When the subjects under discussion affected particular interests such as communal, territorial or class interests, members found themselves allied or opposed to one another according to the particular interest affected, and only to this extent was there any formation of groups. Examples of these parties are, communal parties consisting of Hindus and Muhammadans ; the two depressed classes representatives ; territorial parties, which may be divided into Berar representatives as opposed to Central Provinces representatives, and members from the Northern or Hindi-speaking districts as opposed to members from the Southern or Marathi-speaking districts.

4. *Tone of the Debates.*—A good standard of parliamentary procedure characterized the debates throughout the life of the Council, and there were few or no incidents. This was in a large measure due to the personal influence and popularity of the President, Sir Gangadhar Chitnavis, K.C.I.E., whose wide experience in presiding over local public bodies and in the Legislative Council of the Government of India was of great assistance to the Council. The work of the Council, as reflected in the debates, showed a steady improvement, especially in the last year. The tone of the Council started by being strongly anti-Government and anti-official, but ended with far better feelings of mutual understanding and even appreciation, though to the last the debates were to some extent coloured by a desire on the part of elected members to ponder to the non-co-operating elements outside. One of the main causes of the improvement was the increasing knowledge of members gained through the medium of the Standin Committees, which were attached to all the important departments of Government, and the special committees of enquiry which were from time to time appointed to deal with specific resolutions of the Council. These Committees contributed greatly to the smooth passage of Government business through the house, to the mutual understanding and appreciation of the non-official and official points of view, and to the education of the legislature in the methods and motives underlying Government action and a realization of the difficult and complicated nature of many administrative problems.

5. *The working of the Executive Government.*—The lines laid down in paragraph 5 of the Report of the Joint Committee were strictly followed. No attempt was made to shut the affairs of reserved and transferred subjects into watertight compartments. All questions of general policy, whether relating to reserved or transferred subjects, were discussed by all the members of the Government, the cases being circulated before the meeting of the Cabinet. The decision, however, depended on the responsibility of the half of the Government concerned, subject to the statutory powers of the Governor.

6. *Allocation of funds to Reserved and Transferred Subjects.*—The joint purse system was followed, and action under Devolution Rule 32 was not found necessary. The great financial stringency, increased by the famine of 1920-21, tended to simplify the distribution of funds between reserved and transferred subjects, because the amount available for new expenditure was infinitesimal. It also emphasized the importance of the Finance department. Under these conditions, no real difficulty was experienced in framing a budget acceptable to both halves of the Executive Government, both Ministers having cheerfully submitted to a reduction in their departmental budgets in the interests of the solvency of the province. It was recognized that the transferred side of the Government comprises the main spending departments where development is most required.

7. *Working of the Ministers and Transferred Departments.*—The absence of political parties with definite political platforms made the relations between the Ministers and the Council peculiar and difficult. Nevertheless, no constitutional crisis took place and the personnel of the ministry remained the same throughout the Council. The Ministers kept in touch with the members mainly through private discussions during the sessions and also at meetings of the Standing Committees. While the Ministers did not address many public political meetings, they attended numerous public functions, such as conferences of the representatives of local bodies and the like, where they explained and justified their policy. They also made special tours when there was opposition to any particular measure, during which they held informal discussions with the leading residents of each place or with the local body concerned. This procedure was often successful in removing public opposition. The administration by the Ministers of transferred subjects has certainly made them more responsive to public opinion. In spite of the financial stringency which led to hopes of advance and development being disappointed, a good deal of overhauling of the various departments took place. Numerous important changes were introduced, particularly in the Education and Medical departments, some of which were of doubtful utility. The level of administrative efficiency may possibly have suffered to a slight extent in the process, but it cannot be fairly said that the administration of transferred subjects showed any marked deterioration. The picture of the working of the transferred departments would not be complete without a reference to the part played by the permanent officials of departments concerned. In several departments, notably in the Education and Medical departments, a great strain was thrown on the permanent officials by the tendency on the part of Ministers to endeavour to carry out the popular wishes (based on ignorance) without careful consideration of the merits of the proposals. Too often the proposals were impracticable and even harmful, and frequently they were abandoned after examination. But their abandonment was achieved at the cost of a great expenditure of time and energy by the permanent staff. It is no exaggeration to say that the work of some departments was doubled by their transfer to Ministers.

Cases of actual friction between Ministers and their permanent officials were happily rare. But there was inevitably much difference of opinion, and a great deal of the time of the permanent officials was taken up in endeavouring to persuade the Ministers to abandon a wrong policy or to adopt a right one. Orders regarding the appointment, promotion or transfer of subordinate officials sometimes evoked dissent from the Ministers, and

cases have been known where the Ministers interfered, to the detriment of discipline, in details of administration. This tendencey arose partly from a desire for power, partly from a mistaken sense of duty and partly from distrust of the permanent officials. In exceptional cases, it was intensified by the intrigues of subordinates—a factor which is never absent from administration, but which was accentuated by the transfer of departments. In spite, however, of difficulties such as those described above, the relations between the Ministers and their permanent officials remained cordial. The permanent officials recognized from the start that they were called upon to exercise infinite patience and tact under the new regime, and it may be said that they endeavoured, at the cost perhaps of a certain deterioration in efficiency, to work the reform scheme with loyalty.

8. *Record of the work of the Council.*—The work of the Council may conveniently be summarized under four heads :—(1) legislation, (2) budget, (3) resolutions and (4) questions.

(1) *Legislation.*—Ten Acts were passed in all, of which five were of major importance. The Municipalities Act, by freeing municipalities from official control and giving more play to the initiative and sense of responsibility of the non-official members of these bodies and by a widely extended franchise, was designed to train the members and the electorate to take their place in any system of responsible government which may be introduced into this country.

The Act for the establishment of a Board of High School Education is the outcome of the recommendations of the Calcutta University Commission to remove high schools from the control of universities and to place them under a High School Education Board for the organization of secondary education. The clause governing the constitution of the Board provides for representation of the educational institutions concerned, of important bodies having an interest in the general standards of education with the care of which the Board will be entrusted, and of the general public. About one-third of the members of the Board will be supplied by the university. Subject to the control of the local Government the Board has powers in regard to recognition of schools, the prescription of courses and the conduct of examinations.

The Nagpur University Act aroused wide interest and, as its name implies, provides for the establishment of a university at Nagpur, whose territorial jurisdiction extends over the Central Provinces and Berar. This measure was supported by a strong public demand. Its chief characteristic is the scope it gives for development. It provides in the first instance for a university of an examining and affiliating type in which the college is preserved as the unit of instruction both in the university centre of Nagpur and in other places which contain colleges admitted to the privilege of the university. Finally, it provides for the development of the university, as funds permit, into a managing and teaching body which may supplement or entirely replace collegiate by university instruction. Several points of interest arose during the passage of the Bill through the Council, the most striking being the cleavage which it showed between the members of the North and the members of the South. The Bill contained a clause confining the post-graduate teaching to the university centre of Nagpur. The wisdom of this is clear. The limited number of post-graduate students and the limited financial resources render it highly desirable in the best interests of education and the youth

of the province, that the funds available for expenditure on post-graduate studies should be expended in one centre and the obvious centre is the university centre. So strong was the feeling against this clause in the north of the province, however, in the supposed interest of the Robertson College, that it had to be abandoned by Government, otherwise the Bill might have been wrecked. It may be mentioned here that there was a strong feeling of disappointment amongst educationalists that the introduction of the Bill was not made the occasion for the development and improvement of some of the colleges. The Bill provided for a university, but nothing was done to improve the existing facilities for collegiate education. Whether the interest in education which the university should arouse will result in a determined attempt being made to obtain the funds which are necessary to build, extend and improve some of the colleges, and to enable a higher standard of instruction to be given remains to be seen.

The Court Fees Act and the Stamp Amendment Act were designed to provide the increase in revenue necessary to balance the budget.

(2) *Budget.*—The first budget debate found the members generally lacking in the necessary experience to enable them to understand its details. Certain reductions were made and the greater portion of these were accepted by Government, but, broadly speaking, the debate showed lack of experience and little knowledge of the effects which some of the reductions were likely to produce.

When the second budget was presented, Government, faced with a considerable deficit, was contemplating fresh taxation in the form of the Court Fees Bill and Stamp Bill to which a brief reference has already been made. In spite of the promise of the appointment of a Retrenchment Committee, the Council, disliking the idea of fresh taxation and not being satisfied that everything possible in the way of retrenchment had been effected, voted large reductions amounting to Rs. 11 lakhs. The Court Fees and Stamp Bills were also thrown out, partly in the same belief and partly on account of the opposition in a Council largely composed of lawyers to any increase in the cost of litigation. This was the only legislative measure defeated during the life of the Council. Of the Rs. 11 lakhs not voted, His Excellency the Governor was under the necessity of restoring a little over Rs. 4½ lakhs.

The introduction of the third budget saw a change of atmosphere. Members had more experience and in consequence were in a better position to criticise the budget as well as to appreciate the difficulties of the situation. The report of the Retrenchment Committee had been received and the debates which followed it had convinced most members that every action possible to Government on its recommendations would not result in a satisfactory restoration of the financial position, a conviction which was an important factor in persuading the Council to pass the Court Fees and Stamp Amendment Acts. Government had made a reduction in the budget estimate from Rs. 5¼ crores in the preceding year to Rs. 4¾ crores, and the Council as a whole was evidently satisfied that further large reductions could not be made without injury to the welfare of the province. The reductions voted amounted to a little over Rs. 2 lakhs of which Rs. 1.13 lakhs were restored. By its passing of the new taxation Acts the Council showed that it realized the importance of balancing the budget and of placing the finances of the province in a sound position.

Apart from the purely financial aspect of the budget, two other matters were brought into prominence in the budget debates. The first was the feeling against the " All-India Services " and a disposition to abolish supervising officers in all departments, the second a feeling of resentment that certain expenditure should be non-voted, both of which found expression in motions to refuse establishment provision for officers whose pay is non-voted.

(3) *Resolution*:—The number of resolutions actually moved was 207, of which 58 were carried, 52 rejected, and the rest withdrawn, in many cases after a promise had been given of action being taken or an official explanation why the resolution could not be accepted. Some of the more important resolutions and the results are detailed below :—In March 1921, a debate on the allocation of revenues between the Central Provinces and Berar led to the appointment of a committee, usually known as the Sim Committee, to inquire into the matter. They recommended that, after certain expenditure had been provided for, the balance of the revenues should be allocated to the Central Provinces and Berar in the proportion of 3 to 2. In January 1923, a motion that effect should not be given to this recommendation was lost, after strong support from some of the Central Provinces non-official members, and the allocation proposed is now in force.

In the same sessions a resolution was passed recommending the abolition of grain payments to village watchmen in Berar and the introduction of a provincial money cess. This important change has been made by the Government. The collections in the shape of the cess and the payment therefrom to the mahars naturally had to appear in the budget, and in the budget sessions of 1923 this fact afforded an opportunity for a proposal to reduce the provision for payment so as to force a reduction in the numbers of the mahars employed ; the proposal was rejected by the Council.

In the next sessions, August 1921, a resolution was carried that legislation should be undertaken to establish a University. A committee was appointed to make final proposals to that end, and as a result the Nagpur University Act is now law and steps have been taken to establish the university in accordance with its provisions.

A resolution recommending the prohibition of the sale of country liquor was moved in the same sessions. Although it could not be accepted in the form in which it was passed, the Minister for Excise announced the acceptance by Government of prohibition as the ultimate goal of its excise policy. It was made clear that Government cannot bind itself to introduce prohibition until it is satisfied that the social conditions permit it. Substantial steps have been taken to give gradual effect to this decision. Duty rates have been considerably raised, the number of shops largely reduced and the strength of liquor lowered. There is some reason to believe that the progress has been too rapid, having already led to a considerable increase in the number of cases of illicit distillation.

That the " non-co-operation " movement evoked a certain amount of sympathy from within the Council was shown in several resolutions. In August 1921, a round-table conference was proposed ; in the same sessions an inquiry was demanded into alleged illegalities practised in order to counteract the non-co-operation movement, but the motion was eventually

withdrawn. In December 1921, a resolution was carried regarding the treatment of political prisoners ; and in January 1923, a resolution was moved, but rejected, recommending the release of political prisoners. In August of the same year a series of debates on the Nagpur Satyagraha led to the defeat of Government in three divisions.

Numerous Committees of inquiry were suggested ; but, apart from the Sim Committee, the Retrenchment Committee, and that to make proposals for the establishment of a university, the only Committees formed in pursuance of resolutions of the Council, were the Standing Committees on sanitation and medical relief and on education and one to inquire into the condition of the depressed classes.

On certain resolutions carried in the Legislative Council, the local Government was not in a position to take any action other than forwarding them to the Government of India ; they included resolutions on such important matters as the abolition of Commissionerships, reduction in the pay of the Imperial Srevices, the Indianization of these services and the amendment of the Arms Rules. Similarly, resolutions carried with respect to railway management could only be referred to the Company concerned, in some cases with a recommendation that effect be given to the resolution.

(4) *Questions.*—Notice of 3,385 questions was received, of which 3,059 were answered and only 290 disallowed. By far the greater portion of these questions related to small matters of purely parochial interest which were not of sufficient importance to justify their consideration by the Legislative Council.

9. *Council Secretaries.*—Council Secretaries were appointed under section 50 (4) of the Government of India Act, but they did not make their influence felt in any marked degree or win a recognized position in the provincial constitution. This experiment must be classed as a failure.

10. *Attitude of the Services.*—Whilst at the outset the general attitude of the services was one of some doubt about the possibility of success for the reform scheme and of some distrust about their own future under it, there was a genuine desire to assist fully in giving it a fair trial. The distrust was manifested in the formation of associations for the protection of their legitimate interests. This was greatly intensified by the issue of the orders fixing a short time-limit to the scheme for retirements on proportionate pension. It was generally felt that this presaged the intention of the Government to leave them without protection after the expiry of the time-limit, and even the subsequent cancellation of the time-limit did not remove altogether this feeling. Again, the first attitude of the local Legislative Council was unfriendly to the Imperial Services. There was a demand for the abolition of several superior posts based on the ground that the administration was top-heavy with supervising appointments and the urgent necessity for retrenchment in expenditure, but believed by the services to be also influenced by racial feeling. There was also a keen desire for the Indianization of the services, which was intensified by resentment at the fact that the Imperial Services were not subject to their control, their salaries being non-voted items of expenditure. During the last year of its life the feeling of the Legislative Council became less unfriendly to the European services and the services had more confidence in the support of the Home Government and Parliament, with the result that the feeling of distrust became perhaps less pronounced.

The total number of officers who took advantage of the proportionate pension scheme was 29 of whom 11 belonged to the Imperial Police and seven to the Indian Civil Service. Except perhaps in the Police department, it cannot be said that these retirements seriously affected the efficiency of the administration.

11. *Estimate of work of Council as a whole.*—It may be fairly said that the achievements of the first Council were solid and substantial. It passed several Acts, some of which will be of benefit to the province. Its influence on Government's administrative action by means of resolutions and questions was considerable. Its scrutiny of provincial finances was advantageous. In the last year of its life it showed a marked improvement in its general attitude towards Government and the officers of Government, and in regard to concentration on essentials. This improvement was largely due to the recognition by the Council of the earnest endeavours of Government and its officers to work the reforms in the spirit in which they were conceived. Government at all times showed itself anxious to carry out the wishes of the legislature even at some sacrifice of administrative efficiency. The success of the first Council was reflected in the attitude of the public, which gradually began to realize its importance and powers. The proceedings occupied a prominent position in the local press and debates on matters of general interest attracted large audiences.

The weak point of the Council was the lack of organic connection between the members and their constituencies and the lack of any party organization. The members failed entirely to realize the importance of taking their proper part in the political education of the electorate. They rarely, if ever, addressed meetings of their constituents or explained the rights and duties of electors or enlightened them regarding the scheme of Reform Government and the powers and responsibilities of its component parts. They developed no electioneering organization, no system of party machinery. The electorate on their side showed an equal apathy. They did not feel any personal bond between themselves and their members and took little interest either in their members' activities or the activities of the Council.

One marked feature of the period was the growth of selfish disruptive tendencies. With the introduction of a system of representative government, it was inevitable that the local demands of particular constituencies should be emphasized, but wider divisions also came into prominence. The rivalry between Berar and the Central Provinces became more marked ; the latent jealousy between the Northern Hindi-speaking districts and the Southern Marathi-speaking districts was more prominent ; at times Muhammadan feeling was aroused against the Hindus ; the anti-Brahman movement grew considerably in strength.

## II.—Second Legislative Council, 1924.

12. *Election of 1923.*—The general election in December 1923 totally altered the character of the Council. Of the 26 sitting members who sought re-election only six retained their seats. The elections aroused an interest far greater than those for the first Council. Voting was heavy, when the bad communications of the province and the illiteracy of its population are taken into consideration. 54 per cent. of the voters attended the polls and only eight candidates were returned unopposed. The elections resulted in the return of the Swarajist party with a considerable majority, the 54 elected members comprising 41 Swarajists, four

Independents who generally supported the Swaraj party, five Independents who incline to the Liberal side and 4 Liberals. The sweeping success of the Swarajists was largely due to their good organization combined with the incapacity of the electorate to appreciate political problems. The Liberal party had little organization and had done nothing during the old Council's life to educate the electorate. With both parties advocating Swaraj—the Swaraj party promising it at once and the Liberal party saying it will take time—a backward electorate, whose conception of Swaraj was of some vague milennium replete with material benefits, naturally voted for the party promising it soonest. Although the Swarajists subsequently claimed to have received from the electorate a mandate for their obstructive policy, the evidence goes to show that no real attempt was made to explain their creed to the bulk of those who voted for them. Many of the candidates at the election made no speeches, some issued no broadsheets and in only a very few of the speeches or broadsheets was the statement made that the candidate was pledged to abolish " dyarchy " ; indeed, the majority of the electors do not know the meaning of the word. A discreet silence was maintained regarding their policy of throwing out all measures designed for the benefit of the people.

13. *Personnel of the Council.*—It was anticipated that, while the new Council would prove to be more advanced in views, it would contain a greater number of men of ability. The latter anticipation has not been fulfilled. The general impression conveyed to any one hearing the debates was that of a Council consisting of a few forceful spirits of extreme, in some cases almost fanatical, views, with a following whose mental and moral calibre cannot be described as better than mediocre. Nor could one avoid the impression of complete irresponsibility which the Council conveyed.

14. *Policy of the Swaraj Party.*—The declared policy of the Swaraj party was, in the event of the demands of the party being rejected, " a policy of uniform, continuous and consistent obstruction with a view to make Government through the Council impossible "....." the members of the party will accept no office in the gift of the Government with or without salary or other remuneration "....." all demands for grants in the Provincial Council shall be opposed, provided that it shall be open to members of the party with the previous sanction of the Executive Committee of the General Council, to abstain from voting on any demand for a grant if there are special reasons in any province for such abstention ". That policy was fully followed in the Legislative Council.

15. *Selection of Ministers.*—On the results of the elections being declared, His Excellency the Governor sent for Dr. Moonje, one of the recognized leaders of the Swaraj party, and offered him office as Minister. Dr. Moonje replied that no member of the Swaraj party could accept the post of Minister, as this would be contrary to the declared policy of the party, and he emphasized that responsive co-operation was incompatible with the Swaraj creed. His Excellency then offered the posts of Minister to Mr. S. M. Chitnavis, a member of the Liberal party, who had been a Minister throughout the life of the old Council, and Syed Hifazat Ali, a Muhammadan Independent. The offers were accepted, and the Ministers assumed charge of the Transferred departments.

16. *Council Session of January.*—The new Council met for the first time on January 15th, and on January 16th, carried motions for the postponement of five Government Bills not on the merits of the measures, but

on the ground that a grave constitutional crisis had been caused by the appointment of two Ministers who did not command the confidence of the Council. On January 18th, the Council by 44 votes to 24 carried a vote of no confidence in the Ministers. The mover made it clear that the motion was not brought on any personal grounds against the Ministers, nor on any grounds connected with their policy, but was intended as an assertion of the constitutional right of the majority in the Council to dismiss the Ministers who did not command the confidence of the majority. While admitting that the majority of the party were bound by their pledge not to accept office, he claimed the right of the party to keep the ministry vacant. He emphasized that the vote was intended as a protest against the dyarchic form of Government, which the party desired to destroy.

Immediately after the vote of no confidence, the Hon'ble Mr. Chitnavis, in accordance with his view of constitutional propriety, tendered his resignation to His Excellency, but on His Excellency's advice agreed to withdraw his resignation and to continue in office for the present. The Hon'ble Mr. Syed Hifazat Ali considered that his resignation would stultify his original decision to accept office, in view of the refusal of the majority party to form a ministry, and he therefore was prepared to continue in office. His Excellency considered that, in the special circumstances of the case, the action of the Ministers in retaining office for the purpose of carrying on His Majesty the King-Emperor's Government for the time being was correct.

17. *Council Session of March.*—At the budget session of Council (March 4th—10th) the Swaraj party carried out the policy of complete obstruction laid down in the party creed. They threw out four Government Bills, rejected all the supplementary demands, and refused to vote the budget grants, either in the reserved or transferred departments, with the exception of a sum of Rs. 2, which they voted for the salaries of Ministers. They did not deal with the Bills, the supplementary demands, nor the items in the budget on their merits, but claimed to be exercising the constitutional right of refusing supplies and throwing out Government measures as a protest against the continuance in office of Ministers after a vote of no confidence had been passed against them. Indeed, the leader of the Swaraj party stated that the Governor had made the best possible selection of Ministers under the circumstances. They clearly stated that their object was the destruction of the reform system of Government and the forcing of the hands of Government in order to obtain full responsible self-Government.

18. *Action under Rule 3 of the Transferred Subjects (Temporary Administration) Rules.*—His Excellency the Governor was advised that, having regard to section 52 (1) of the Government of India Act, he could not by certification or otherwise provide reasonable salaries for the Ministers. The Ministers tendered their resignations which were accepted. As the Governor was unable to secure the services of suitable persons for the office of Minister under these conditions, he certified the existence of an emergency and himself assumed the temporary administration of the Transferred departments, under the Transferred Subjects (Temporary Administration) Rules. The emergency still continues.

## ANNEXURE B.

### OPINIONS OF THE LATE MINISTERS.

I.—*Demi-official, dated Matheran, the 26th May 1924, from S. M. Chitnavis, Esq., I.S.O., to A. E. Nelson, Esq., C.I.E., O.B.E., I.C.S.*

I enclose herewith a note as asked for in your demi-official of 29th April last on the Government of India's letter no. F.-166-Pub.-1924, concerning the Reforms enquiry. I regret very much that I have not been able to get it typed.

I am not sure that I have properly comprehended the scope of the enquiry. I have treated the subject in a purely general and constitutional point of view. There is absolutely no personal element in it. For I have had nothing to feel aggrieved about. In our province, all praise to His Excellency the Governor, the Government of India Act was administered with exemplary statesmanship. Councillors and Ministers were treated as belonging to one cabinet. Ministers received valuable advice and support from His Excellency and the Councillors. Official discipline was excellent. The activities of the Transferred departments were curtailed, not through any desire to keep them on reduced rating, but owing to financial stringency. So personally I have no complaint to make.

**Note dated the 26th May 1924.**

What I propose to do in this note is to review the working of dyarchy from a purely constitutional point of view.

The new reforms were designed with the object of developing responsible Government in India. But as under all systems of responsible Government the executive must in administering the affairs of the country be responsible to the people through the representatives in the legislative bodies, it is essential that a proper and intelligent electorate be first created. If an account of the general illiteracy and lack of patriotism of the people, the proper and intelligent electorate, has to be small, no large amount of responsibility in administrative work can with safety be entrusted to their representatives in legislative bodies. The growth of responsible Government must therefore depend on the growth of the size of the electorate. If this electorate is small, the amount of administrative works entrusted to the Ministers chosen out of their elected representatives must also be correspondingly small. In the Central Provinces and Berar the urban electorate amounts to about 11.4 per cent. of the male population in the urban constituencies, the rural electorate to 2 per cent. of the male population in the rural constituencies, and the total electorate to 2.6 per cent. of the total male population or 1.3 per cent. of the total population.

The only functions that can be entrusted to Ministers in a Council constituted on this basis are those which are concerned with raising the intellectual level of the people, or in fostering civic life among them, or the administration of departments which are not likely to bring about clash of interests between the enfranchised classes and the unenfranchised masses The other functions must for the present continue to be under the bureaucracy. This is the justification of dyarchy.

But dyarchy is a stage in the development of full responsible Government. Till full responsible Government is attained the popular or Parliamentary half of Government must constantly be engaged in raising the intellectual level of the people, in promoting civic life among them, for in that way it becomes possible to widen the franchise, expand the electorate, and thus eventually make out a case for increasing the sphere of work of the Ministers. For this purpose the Ministers must have a free hand in the administration of departments entrusted to them. The Executive Council may be free to look after the efficient administration of other departments. The Joint Select Committee said " each side of Government will advise and assist the other, neither will control or impede the other ". It has to be seen whether the present constitution allows to the Ministers a free hand in the administration of the departments under them. I will first see whether the composition of the legislative bodies does or does not allow freedom to the Ministers. Secondly, I will see whether or not the Executive Council controls or impedes the action of Ministers, and lastly, I will try to find out whether action of Ministers is or is not controlled and impeded by the Government of India or the Secretary of State for India.

As to the first point, the provincial legislature is composed of 70 members of whom 54 are elected and 16 are nominated by the Governor. Half of the latter are officials and the remaining non-officials. Out of the non-official members (elected and nominated) four can be appointed Council Secretaries. Owing to communal, linguistic and territorial differences Ministers are selected out of different groups with no previous affinities, politically or otherwise. As it happened on the last occasion, they had not met and known each other before. There is an absence of political organization with a right idea of Parliamentary Government and determined to work the constitution in a proper spirit, and not formed for the purpose of impeding, obstructing and destroying it. The Ministers are not the colleagues of a trusted and responsible leader. The principle of joint responsibility enunciated by the Joint Parliamentary Select Committee cannot be secured. One Minister is at times likely to work against the other. Each has to shift for himself and to have recourse to what is known as " log-rolling ". The Ministers do not start with a real and solid majority at their back. They are liable to be treated as fit subjects for bear-baiting. Instead of being able to count on a majority which will protect them from invidious attacks, they are liable at any moment to be called to the bar of the house. But fortunately for the Ministers the presence of the official block and the Joint Select Committee's formula that each side of Government will assist the other.....comes to their rescue and saves them from the awkward position in which they might on more occasions than one find themselves in. They have therefore to depend upon and to secure the support of the official block. They cannot under such circumstances be said to be, in the real sense of the term, responsible to the elected representatives of the people in Council, and the present mechanism does not fulfil the expectation of the Parliamentary Joint Select Committee.

I will next deal with " Financial Restrictions on Ministers' ". All actions of the executive must eventually involve the expenditure of some money or the raising of some fresh revenue. Every action of the Executive Council or of the Ministers must have some financial aspect. I will therefore try to examine how far in financial matters the

Executive Council can control and impeda the action of Ministers. The Parliamentary Joint Select Committee in their report recommend that "expenditure on transferred subjects shall with the narrowest possible reservations be within the exclusive control of the provincial legislature and subject to no higher sanction save such as is reserved to the Government by section 72 (1) (*b*) of the Government of India Act". In order to give effect to this recommendation, Devolution Rule 27 (2) provides that the local Government of a Governor's province shall have power to sanction expenditure on transferred subjects to the extent of any grant voted by the Legislative Council. But if we study the other Devolution Rules, we will find that there are restrictions other than legislative imposed on the Ministers. Under rule 36 of the Devolution Rules there is in each Governor's province a Finance department which is controlled by a member of the Executive Council. Immediately subordinate to the Hon'ble Finance Member there is a Financial Secretary. With him can be associated a Joint Financial Secretary, if the Ministers so desire. This Joint Secretary is to be appointed by the Governor after consultation with the Ministers. The Financial Secretary and his entire staff owe allegiance to the Governor in Council only and not to the Governor acting with his Ministers. The Finance Member is in charge of several subjects, some of them being expenditure heads, and the latter start with an initial advantage. He being a part of the Governor in Council is responsible not to the Legislative Council but to the Secretary of State through the Government of India. He has no manner of responsibility for the transferred subjects for their finance or administration. The Governor to whom the Finance Member is subordinate is similarly and equally responsible, not to the Legislative Council, but to the Secretary of State through the Government of India for the administration of the reserved subjects. He has no such responsibility for the finance or the administration of the transferred subjects. He is supposed—only supposed—to be carrying out faithfully the provisions of the Act and the instrument of instructions and the rules, modified by the unpublished rules of executive business.

An aggrieved Minister cannot take into confidence the Legislative Council to which he is supposed to be responsible as to how he fared with his reserved colleagues and his chief. He, if supported by his Co-Minister or Ministers, can ask for the appointment of a Joint Finance Secretary to look after the finance of the Transferred departments. That this officer's position would be awkward needs no saying. His appointment is liable to be interpreted as a proof of the Minister's lack of confidence in the Finance Member and the Finance Secretary. He would be dependent upon them for his prospects in service. He might be looked upon as a spy. It is no wonder that in no province have Ministers pressed for the appointment of a Joint Finance Secretary.

The functions of the Finance department are described in rule 37 of the Devolution Rules and they need not be recapitulated. In a word all the strings of public finance in the province are in the hands of the provincial Finance department. If a Municipal Committee applies to Government for loan for constructing a plant for water supply, the Minister-in-charge cannot sanction such loan without previously consulting the Finance department. If a District Council applies for a loan required for capital expenditure on hospital buildings, or for undertaking sanitary works on rural areas, the Ministers cannot help them

without consulting the Finance department. If the co-operative credit societies stand in need of a temporary loan from Government, the permission of Finance department must first be obtained. If in order to promote temperance in the province, the Ministers want to enhance still-head duty or licence fees for the sale of intoxicating drugs, they must first seek the advice of the Finance department. If there is a proposal to grant State loans for the development of certain industries, it cannot be done without the previous consultation of Finance department, and so on. After the grants for different departments have been sanctioned by the legislature, money cannot be spent unless permission for appropriation has first been given by the Finance department. After the grants have been sanctioned and appropriated the Ministers cannot make any re-appropriations from one major or minor head to another without the sanction of the Finance department. Again, without the permission of the Finance department no office can be added to or withdrawn from the public service in the province, and the emoluments of no post can be varied, no allowance and no special or personal pay can be sanctioned for any of the posts or for any Government servant. In deciding any of these matters the Governor with Ministers must take the report of the Finance department into consideration. It will thus be seen that the powers of the Finance department are all-embracing, and the Ministers are so much under the leading strings of this department that they can do nothing without previously consulting it. The different stages through which a financial proposal has to pass from an administrative department to the Legislative Council are the following:—

If a department takes an initiative in the matter, the proposal first comes before a Secretary to Government, it then goes to the Minister-in-charge ; if it secures his approval, it goes for scrutiny and examination to the Finance department : after coming out of this ordeal it goes to the Finance Committee of the Council, and last of all it comes for final sanction before the Legislative Council.

From an enumeration of all these powers of the Finance department I do not want to give an impression that I object to these powers being exercised by them. It is obvious the Ministers must always and in every country depend on expert financial advice. But the point I want to make is that the expert authority, *viz.*, the provincial Finance department, possessing such wide powers of control on the Ministers, is in its turn controlled by an Executive Councillor. In every little matter the departmental heads of Transferred departments must obtain the sanction not so much of the Ministers to whom they are responsible but a department outside the control of Ministers. The powers of the purse are thus entirely in the hands of the Executive Council. The Finance department possesses the constitutional power of conducting itself in such a way as to keep the Transferred departments on reduced rations. One technical objection or another, from a finance point of view, can always be raised against schemes of new expenditure, and the Ministers can thus be prevented from taking proper measures in pursuance of their policies. So long as this state of affairs can occur, Ministers cannot avoid being controlled and impeded in their actions by the other half of Government.

And now I come to the third point, *viz.*, " Restrictions of higher authorities ". These restrictions have to be considered under two

heads, that is to say, in *legislation* and secondly in *finance*. In legislation the acts of provincial Governments can be divided into two classes (*a*) those that before introduction in the provincial Councils do not require the previous sanction of the Governor General, and (*b*) those that do require such sanction. Those Bills which before introduction into the Legislative Council do not require the previous sanction of the Governor General must after passage through the provincial legislature obtain not only the assent of the Governor, but also of the Governor General. The Governor can, if he likes, withhold his assent. If a Bill passed by the provincial legislature contains provisions (*a*) affecting the religion or religious rites of any class of British subjects in British India, (*b*) regulating the constitution or functions of any university, (*c*) having the effect of including within a transferred subject matters which have hitherto been classified as reserved subjects, the Governor must without himself assenting to it reserve it for the consideration of the Governor General. In the ordinary administration of the transferred subjects also there are some restrictions on the powers of Ministers. Local self-government is a transferred subject, but if the Ministers propose that local bodies should get powers to borrow money otherwise than from a provincial Government, or if they propose that they should possess powers of taxation beyond Schedule II of Schedule Taxes Rules, their proposal must first receive the sanction of the Government of India. If in the administration of public health, sanitation, agriculture, or veterinary departments, all of which are transferred subjects, the Ministers want to deal with infectious diseases, or animal diseases, or destructive insects and pests and plant diseases, they cannot take action which is not in accordance with principles settled in Acts of Indian Legislature. It is the function of Ministers to prevent adulteration of food-stuffs, but they can take no measures which may affect the import or export trade of India, a subject which is exclusively under the control of the Government of India. All questions concerning weights and measures are supposed to be dealt with by Ministers, but as regards fixing standards their actions must be governed by the Act of the Indian Legislature. It follows that all Bills proposed by Ministers affecting the financial powers of local self-governing bodies, or concerning infectious and contagious diseases, or destructive insects and pests and such others, must be in accordance with decisions made by the Central Government. The different stages that the legislative proposals of Ministers have to pass through before they can become law are (*a*) if it requires the previous sanction of the Indian Legislature, or of Government of India that must be first obtained, (*b*) it should then pass through the provincial legislature, (*c*) it should after that obtain the assent of the Governor, (*d*) in case the bill affects the religious rites, or constitution or functions of universities or, if it affects reserved subjects, it should be reserved for the consideration of the Governor General, and lastly (*e*) even if all these stages have been passed it is liable to be vetoed by the Crown in England on the advice of the Secretary of State for India.

Next I come to the financial restrictions imposed upon Ministers by the higher authorities. These are laid down in Schedule III to the Devolution Rules. If the Ministers want to purchase some stores outside India, they must do so in accordance with rules framed by the Secretary of State for India. Whenever the Ministers desire to vary the cadre of All-India Services in the departments administered by them, or they desire to create permanent posts carrying a salary of Rs. 1,200

per month or temporary posts carrying a salary of Rs. 4,000 a month, or wish to purchase stores outside India, their application for obtaining sanction of the Secretary of State for India must first be addressed to the Governor General in Council, who is empowered to make any remarks he likes on the application. In some cases the Government of India possess powers of sanctioning proposals on behalf of the Secretary of State. If the Ministers wish to raise loans on the security of provincial revenues, they cannot do so without the sanction of the Government of Inda if the loan is to be raised in India, and, without the sanction of the Secretary of State for India if it is to be raised outside India. Again, the powers of administration of transferred subjects must be exercised in accordance with the provisions of such All-India Codes, Fundamental Rules concerning Civil Services, Civil Account Code, Public Works Department Code and other Departmental Codes. The discretion of Ministers must be exercised within the confines of these Codes. Lastly, under rule 49 of the Devolution Rules the Government of India exercises powers of superintendence, direction and control over local Governments in relation to transferred subjects for the purposes mentioned therein.

From an enumeration of all these restrictions—legislative, financial and administrative—exercised by the Government of India and the Secretary of State on provincial Ministers I do not again want to give an impression that these powers of the Central Goverment on provincial Ministers are not necessary. Perhaps such like powers are, in all countries, wherever federal system of Government prevails exercised by Central Government on provincial Governments. But the difficulty at the moment is that in the Indian Central Government so far the executive is not at all constitutionally responsible to the representatives of the people in the Indian Legislature. The representatives of the people cannot therefore assume any responsibility for the different All-India Administrative Codes or Rules, or for the powers of superintendence direction and control by the Government of India over transferred subjects in legislative, financial and administrative questions. The powers to restrict the actions of Ministers possessed by the Government of India or by the Secretary of State for India are really exercised by the bureaucracy. To this extent then Ministers are dependent on the bureaucratic half of Government. The only remedy against this state of affairs is to introduce an element of responsibility into the Government of India.

I have indicated above that the present composition of the Councils, the control of the entire Finance department by one of the members of the Executive Council and the exercise of powers of superintendence, control and direction over provincial Governments by a bureaucratic Central Government stand in the way of enabling Ministers to rise to the full height of their stature and of preventing them from giving effect to the wishes of the people in the Legislative Council. Perhaps dyarchy is a clumsy weapon for forging a system of complete self-government. But still I should think it has given us some training. During the last few years the country has received immense political awakening. The electorate though still ignorant and lacking in public spirit is not quite so backward as it was three or four years ago. The franchise can now be extended, and the eelctorate widened. With a wide electorate more powers can be entrusted to the representatives of the people in provincial

legislatures. Only in that way can the anomalies inherent in a system of dyarchy be removed, and Ministers entrusted with powers commensurate with their responsibilities.

**II—Note, dated the 31st May 1924, by Rao Bahadur N. K. Kelkar.**

I am asked to place on record the observations I may have to make as the result of my personal experience of working of the reforms in the Central Provinces and Berar during the last three years. In doing so I desire to make it clear that nothing that is put down here is written with a view to cost any reflection on anyone ; I am giving my own experience with the main object of pointing out the defects in the working of dyarchy.

More than three years ago people had grave doubts about the success of the reforms under dyarchy. It could be said at that time that the apprehensions on one side and sanguine or fairly sanguine belief in the success of the scheme on the other were equally imaginary. It is possible now after three years experience to dispense with mere imaginations or conjectures. Those who had the privilege of being associated with the actual working of the reforms must substantiate their observations by inferences from facts and references to concrete instances.

2. One cannot fully appreciate the working of these reforms unless the said working is examined from start to finish. For a proper estimate of the whole situation we must begin with elections.

3. After the introduction of the reforms there were two elections and although on either occasion it may be said that they were brought about or influenced by circumstances more or less of a temporary character, there is much in the results which ought to open the eyes of Government as well as of those who believe in constitutional progress.

4. I don't remember now the total number of voters under all constituencies, but I believe the percentage of the total number of voters to the total population is very small. A large majority of even the registered voters is illiterate and they or a fairly large portion of the literate voters generally don't care to think of the elections and of their probable consequences. During the turmoil that precedes elections and which lasts for a few weeks the electors, both literate and illiterate, readily believe anything said against Government and those who attempt to explain or interpret Government policy or who have been associated with Government are suspected. The suspicion is so deep rooted that it is almost impossible to root it out during the short period for which the campaign lasts. One is thus perforce compelled to leave the removal of the suspicion to time and experience.

5. This accounts for the abstention of a large number of voters from the poll at the first election. This also accounts for the success of the Swarajists and defeat of non-Swarajists and especially of the Ministers at the second election. It may be borne in mind that the ideal or goal of all the politically-minded people sailing under different party labels is the same and naturally people very readily believe the tall talk of one party in preference to the comparatively mild and logical persuasion of the other.

6. Although this is so, I am not inclined to suggest that the numbers of voters should be reduced or the franchise should be confined to those

who are educated or at least literate. Such a step would give unnecessary cause for agitation. With the very wide and extensive franchise provided for in the local self-government enactments and with the experience gained there time will soon come for extension of franchise for purposes of election to the Legislative Councils.

7. Although the electorate is illiterate or ignorant and on that account or otherwise is incapable of realizing its responsibility, there is no reason why immediate steps should not be taken to make some radical changes in the election rules with a view to provide a surer basis for the edifice of representative and responsible Government. The lessons we have learnt as the results of the last two elections as well as other circumstances make it clear that in two or three respects immediate change or improvement is needed. The lack of responsibility at the bottom, *viz.*, that of the average voter, may not be as dangerous as the one at the top. For responsible Government it is necessary that the members of the Council should be capable of realizing their responsibility. We cannot reasonably expect to have responsible Government if we make it possible for any one deliberately to return to the Councils illiterate, ignorant and inexperienced *Darjis, Chamars* and *Bhadbhunjas* or persons who have got no political or administrative experience. Members' qualifications should therefore be made much higher than those of the electors. In this country there is every reason to differentiate between the two. The members must be men of much higher and superior qualifications educational, administrative and political. If this principle is accepted, I don't think there will be much difficulty in drafting the rules.

8. I am aware that this suggestion of mine will be subjected to a very hostile criticism by some who will not fail to insinuate or express openly that it is made in the interest of those who have until now managed to monopolize all or most of the responsible public offices to the exclusion of those who call themselves backward. In my opinion we must be prepared to face such a criticism. Our aim is to establish at an early date responsible self-government in this country. The task therefore must be entrusted to those who are capable of realizing the responsibility. Such a rule will stimulate others to exert themselves to rise to the level of those who are at present superior to them in respect of education or the like.

9. The second point regarding which an immediate change is needed relates to communal representation. In the beginning it was anticipated both by the politically-minded people as well as by the authors of the reforms that this communal representation would be merely a temporary business In theory it is recognized to be vicious and in practice it is found to be pernicious. Communal dyarchy, if I may so describe it, has proved to be more dangerous than administrative dyarchy. It is impeding the progress of reforms. Instead of curtailing the desire for communal representation the rules have a tendency to encourage almost every caste to retain seats on the Council not on merits but on merely communal grounds. If you concede it in one case you can't withhold it in other cases. Communal representation is claimed not only for the sake of membership but it is claimed for Ministers' posts and employments in Government service are claimed on communal grounds. With such tendencies which are bound to grow if the rules are allowed to stand representative or responsible Government must be a matter of the farthest

unknown future. Public service will be inefficient and it will not be surprising if it is demoralized. It is an open secret that claims based on communal feelings and interests did at times make the position of every-one of us delicate.'

10. I can say without fear of reasonable contradiction that in these provinces such a representation is not needed. It is occasionally claimed by persons of no merit who desire to come to the forefront through official favour. Government must take a bold stand and should abolish the rule. I don't believe in pacts. I don't believe in Councils divided into communal compartments.

11. The third point in respect of which improvement in the constitution of the Council is required relates to (*i*) nomination of officials as members of the Council and (*ii*) special representation of the urban classes and (*iii*) of the landholders.

12. In the pre-reform days the presence of the officials was considered necessary or desirable for several reasons. None of those reasons any longer exist. Very few non-officials care to avail themselves of official training and experience. Now it is impossible to carry any measure through blocks of officials and nominated members. In my experience I have found that mainly on account of the presence of official members or on account of something said or done by them, voting on certain measures was adversely or differently affected. Council must be made to feel that for anything right or wrong, good or bad, *they* and *not* Government servants are responsible. The Government's position or policy should be explained by Government members and Council Secretaries (if any).

I don't see any reason why the two special representations should continue. If at all any special representation is considered necessary for the land-owning classes, it must be to the tenants. But I am not prepared to recommend that also. In my opinion it would do for the present if the Council is rid of the aristocratic element. In my experience both as a Minister as well as otherwise I have found that the malguzari and zamindari classes are not very sympathetic for the advancement of the peasantry and labour classes. They as a class are against what may be called socialistic measures such as (*a*) Universal diffusion of primary education, (*b*) establishment of village panchayats or co-operative societies, (*c*) introduction of uniform weights and measures, etc.

13. Such concessions would neither help Government nor this class. This representation must be differentiated from other special representations such as that of mining, commerce and industry, university, etc., which require technical knowledge and practical experience, of those branches.

14. Similarly, I do not see any necessity for retaining the seats reserved for urban representation other than for the towns of Nagpur and Jubbulpore.

Now that the bar arising out of insistence on residential qualification is removed it is immaterial to retain any seats for urban people.

15. I do not propose to go into details further. It will suffice for the purposes of this note to say that it will take years before the electorate is properly trained in the sense of forming a judgment on

definite political issues. It is neither safe nor necessary to wait till the whole electorate is properly trained. The deficiencies in the electorate ought to be removed without loss of time in the manner suggested before firstly by prescribing much higher qualifications for members from which it follows those of Ministers and Council Secretaries, secondly by abolishing communal and class representations, thirdly by removing the official element from the Council and fourthly by increasing the strength of special representation that require technical knowledge and practical experience.

16. If these points fail to receive immediate consideration and if the Councils are not reconstructed on the lines suggested above, I think it is worse than useless to think of further political advance or to talk about representative and responsible Government. As in the past so in the future we shall continue to waste our energies and time in carrying on aimless agitation on the one part and in fomenting racial animosities and parochial jealousies on the other.

17. Having secured an improvement in the constitution of the Council, the next step is to secure an improvement and efficiency in the work of the Council. Council work is divided into three parts :— (*a*) legislative, (*b*) administrative and (*c*) financial.

18. Before proceeding to deal with these matters in detail I should like to say a few words about the Council Secretaries and the departmental Standing Committees. It may also be useful to consider if three years are sufficient for Council life.

The system of training Indians in the art of administration by appointing them as Council Secretaries did not work well in these provinces. Owing to financial stringency very low remuneration was fixed and that failed to attract business men to take up this work in earnestness. That remuneration was again reduced to a ridiculous amount by a vote of the Council. This reduction was made with a view to compel the Secretaries to resign their offices. It was suspected that these people by accepting offices became for all practical purposes Government members and as such were bound to vote with Government. Thereby the non-official majority in the Council was reduced so far as voting was concerned. This feeling or misunderstanding can be removed by appointing Council Secretaries out of those who command the majority of votes in the Council or by selecting them out of a panel fixed by the Council. Section 52 of the Act may be amended on these lines.

19. Speaking from the experience I gained from the working of the Standing Committees attached to the departments, in my charge, I say that they are very useful institutions. There is room for improving their efficiency and usefulness. There is no reason why the members of these Standing Committees should not be privileged to see office correspondence and notes. They can't give useful advice unless they see the other side of the picture. In order that the Ministers or members of the Executive Council may enjoy the confidence of the Council, they must be at liberty to take the members of the Standing Committees and Council Secretaries into their confidence. Increased association of Indians with administration can't be secured by shutting Indians from having an insight into administrative details. Most of the criticisms against Government measures would be unnecessary if a large number of people are allowed

to acquaint themselves with administrative details. Government may then reasonably expect a larger number of men to defend their policy and the administration would be more popular.

20. There is one small point in connection with these Standing Committees which needs mention. In the case of one of my departments only, *viz.*, education, I was not allowed to include in the agenda of business any subject except with the previous approval of the Governor. I have not yet been able to understand why this restriction was imposed in one department only.

21. As regards the duration of the Council when once elected, I am of opinion that three years is too short a period. On account of want of administrative experience non-officials generally take some time to master administrative details before they are in a position to lay down policies. Very few non-officials have got previous administrative experience and even if they have gained some experience by working on local bodies and in other subordinate positions, that is not ordinarily quite enough to enable them to grasp the broad administrative problems affecting provincial interests within a short time. Besides it is difficult to attempt to make any changes in a settled system of administration without careful thought and consideration. Non-officials generally don't get ample opportunities for rendering public service and those who get are not in a position to avail themselves fully of such opportunities.

22. Under the reforms the Ministers as well as the members of the Council are expected to shoulder greater administrative responsibilities. They can't do so unless they are allowed sufficient time. It takes a very long time to get through any legislative measure. Even if any Act has already been passed it takes a long time to frame rules thereunder and to set the scheme in motion. Ministers as well as the Councils must have sufficient time to watch closely the working of any measures, legislative, administrative, etc., introduced by them. They must have time to rectify their own mistakes (if any). I have had no time to watch the working of the Local Self-Government Act, Municipal Act, Village Panchayat Act, University Act and the High School Education Act. Nor did I have sufficient time to judge from personal experience and observation the effects of other changes made in the Education and Medical departments.

23. I have not been able to understand why the reserved half of Government is allowed a longer lease of life than the transferred half. The former's term of office is, I understand, five years. Executive Councillors, of whom one belongs to the permanent service, are supposed to be more experienced than the Ministers. It is moreover anomalous that one-half of Government should, during its term of office, have to deal with two different sets of Ministers and Councils, with, perhaps not unoften, different views and policies. I don't know how the reserved half of Government is faring now. It is not unreasonable to presume that they must be feeling very unhappy indeed. Even if the Swarajists had not captured the Councils, the experienced Executive Councillors would take some time to train their inexperienced Ministers, and by the time the latter were trained they (the Executive Councillors) would themselves retire.

24. If it is desired that the two halves of Government should work smoothly and well, it is essential that their term of office should be co-extensive and it should be at least five years. I have not referred to

the temporary causes such as those that arose out of non-co-operation. Even if they had not arisen I think three years' time is ordinarily not enough to show any marked progress. Governor's power to prolong the Council's term by a year does not count for much. The power to dissolve the Council within a shorter period would of course remain.

25. So far as the work in the Council itself is concerned, I think on the whole it was not quite unsatisfactory. There is moreover much room for improvement. Lot of useless work which is not at all of provincial importance and which could easily be disposed of by local officers or local bodies or by reference to the members of Government is brought before the Council in the shape of questions or resolutions. If this tendency shows signs of increase, rules will have to be amended with a view to restrict the Council work only to matters of provincial importance or to such others as involve broad questions of principle and policy. This step may be found unnecessary if in pursuance to my suggestion higher qualifications for members are prescribed.

26. I have already indicated above how at times the voting is influenced on account of the presence of official members in the Council.

The tendency to vote against official or Government measures is not unusual and even the Ministers are not immune from trouble on this account. Even if some allowance is made for racial or parochial feelings the fact remains that generally Ministers are looked upon as Government men, the Governor's pleasure being alone responsible for their appointment and continuance in office. I don't know if it will always be possible to form parties in the Council with clear cut programmes and even if at times parties with majorities are formed, I am not sure how long the members will loyally stick to the party programme. Ministers will have to use their personal or social influence in order to be able to carry out their policies. The opposition to the Ministers may be minimised by selecting Ministers out of a panel suggested by the Council. Even if parties are formed with distinct majorities, it may be found necessary to resort to this procedure.

27. Experience has conclusively proved that it is not advisable to retain in the Act the provision that the Ministers should be appointed by the Governors and that they should hold their office during the pleasure of the Governors. Since the Governors have no power to restore the salaries of the Ministers such a provision is useless. If the Ministers and the Council are allowed to act subject to each other's control, there may be less cause given for heart-burning. The suggestion I have made is consistent with the demand that the executive should be subordinate to the legislature.

### Legislative Work.

28. So far as legislative work is concerned, I acknowledge with gratitude that all my proposals and policies received whole-hearted support from His Excellency the Governor and other members of Government. My complaint, however, is against the Government of India.

29. I have not been able to understand why Government of India's sanction should be necessary to the repeal or alteration of any law not passed by the local legislature if such law relates only to the province such as the Central Provinces Municipal Act, Central Provinces Laws Act, etc. Local Governments are and must be responsible for the good

government of the provinces in their charge and therefore they must have a free right to frame their own laws. The sanction (if any) may be merely formal. It will be seen from the correspondence received from the Government of India in relation to the Central Provinces Municipal Bill and the Nagpur University Bill that the Government of India tried to exercise meticulous control over the details of these Bills.

30. There may be some sense in one executive Government preventing or advising another executive Government in the matter of introducing any piece of legislation containing certain provisions. There is, however, no reason why non-official members should be prevented from introducing any Bills or from moving any amendments if they consider such measures are likely to advance a popular cause. By a very strange interpretation of law and rules discussion on certain amendments was actually prevented and in others it was allowed only with previous sanction. These attempts to restrict the liberty of members or to gag public discussion is against the spirit of the reforms. After public discussion there may be good ground for vetoing any amendment or for ruling out any Bill.

My recollection is that Mr. Mahajani's Temperance or Local Option Bill was allowed to be introduced only after he consented to drop certain provisions therefrom, especially those that related to foreign liquor.

### Executive Work.

31. The Council as such is not supposed to do any executive or administrative work. It must, of course, have power to control the activities of the executive Government in matters administrative. At times a tendency to enter into minute administrative details is observed. This will be apparent from many of the questions and resolutions that were put or moved during the last three years. By stretching the language a bit, any question or resolution can be easily brought within the purview of what are called matters of public interest. It is, however, not safe to allow any and every matter of detail to be agitated in the Council. This results into waste of public time and money and the danger I see is that it may lead to intrigues such as we find in the working of the local bodies. Perhaps a much higher standard of qualifications for members would minimise this evil, but I think it would be well to define clearly the duties of the Legislative Council as distinct from pure administrative or executive work. The Council should only have power to see that its policies are carried out in substance by the executive Government and that any excess or favouritism is avoided in the execution of those policies.

32. It is only with regard to the executive functions of Government that the real significance of dyarchy has to be assessed. I have indicated before that the Council as such did not show any marked hostility towards reserved subjects nor did it show any favouritism or leniency towards transferred departments. Both halves of Government were treated by the Council very nearly in the same manner. This was due to the general impression that had gained a firm hold in some quarters that the Executive Councillors and the Ministers had merged themselves into bureaucracy and they had bound themselves to support the policies or measures that were dictated to them by the Governor

General or the State Secretary. Even so far as the Transferred departments were concerned, it was very difficult for the Ministers to remove this impression.

33. The Executive Councillors or Ministers did not oppose each other in open Council either by speeches or by silent votes or by refraining from voting on any particular measure. Our conduct had the effect of creating an ostensible impression that every one of us realized the value or importance of joint liability of members of Government. As a matter of fact, however, the inner working of Government was different. Cabinet meetings were few and far between. At these meetings discussions were more or less informal. The Ministers were allowed voice, but since they had no votes they did not feel that they were morally responsible for the administration of reserved subjects. The same remark holds good in the case of Executive Councillors also.

34. My general impression is that Executive Councillors and Ministers acted almost independently of each other. The Executive Councillors did not take me into their confidence even in regard to important administrative matters and consequently although we were expected to influence votes of Council members on any debate I must confess I did not do so whole-heartedly simply because I was not consulted beforehand.

What I expected was that I would be taken into confidence and thus be allowed to influence the policy of the other half of Government. I may cite a few illustrations to show that this was not done.

35. For some time after the commencement of the reforms I was supplied with copies of confidential reports on the general political situation in the provinces. I don't know if these reports were stopped afterwards. If they were not stopped, there is no reason why they should not have been sent to me during the latter two years or so of my term of office.

36. Meetings of the Governor and Executive Councillors as contemplated by section 50 of the Government of India Act apart from the Cabinet meetings mentioned before must have been held, I presume. I was not asked to attend these meetings nor was I supplied with copies of the proceedings of these meetings. Having regard to Order No. 29, paragraph 125, of the Manual of Business Procedure, I could not send for and see these proceedings as I could not say beforehand if they related to any case pending before me for disposal.

37. The Central Provinces Land Revenue and Tenancy Acts Amendment Bills were sent up to the Government of India and introduced into the Council without my knowledge and consent and the mistake was acknowledged only after I protested against the procedure.

38. I believe I was not consulted about the amendments to the Court Fees and the General Stamps Acts nor do I remember to have ever been consulted about the rules framed under the Mining Act and the Arms Act.

39. I understand that the Hon'ble the Home Member went to Simla twice—once in connection with the question relating to the treatment in the jails of political prisoners and secondly, in connection with the rules under the Arms Act. I don't know what instructions of the local

Government he carried with him. I do not remember to have been consulted with regard to the action the local Government should take on the recommendations contained in the Jail Committee's report.

40. I will close this part of the note by citing one more instance of more recent date. This relates to what is commonly known as the Nagpur Flag Satyagraha. The Ministers were consulted in the initial stage, but when the situation became serious they ought to have been consulted, especially with regard to the drastic measures that were taken by bringing into operation section 109 of the Criminal Procedure Code or section 120-B and other sections of the Indian Penal Code. Similarly, we ought to have been consulted about the compromise that was ultimately arrived at in this case. Not only this was not done, but I had not had the good fortune, though I was a Minister in charge of Public Works Department, of being consulted about the accommodation in the jails. I was told that His Excellency the Governor had sanctioned an expenditure of a lakh of rupees for expansion of accommodation in the jails.

41. Although instances of this kind may be multiplied, it must be admitted that there are others to the contrary to show that the Ministers were consulted with regard to some important matters relating to the reserved departments. For instance, I remember the part I took in the discussion of the question relating to the separation of judicial and executive functions.

42. My contention is that so far as joint consultation between all members of Government was concerned, there was a lack of uniformity in practice. As an instance in support of this lack I might mention one or two illustrations. We (Ministers) were consulted with regard to the appointments of Secretaries to the Government. When Mr. Dhobley was appointed Additional Judicial Commissioner we (Ministers) were consulted. Curiously enough I was not consulted with regard to any other appointments mentioned in Schedule II to the rules or orders framed under section 49 (2) of the Government of India Act, and it is still more curious that I was not consulted when Rao Bahadur M. B. Kinkhede was appointed Additional Judicial Commissioner or when Mr. Baker was imported from outside. I can't say who was responsible for this diversity in practice. Ministers are as much interested in these various appointments as the Executive Councillors are. What is more when any unpopular thing is done by the reserved half the discontent that proceeds therefrom affects the work of the Ministers also and the relations of these latter with his usual supporters in Council are strained in consequence.

43. I am, however, not prepared to insinuate or to suggest that the defect I have mentioned above was due to any deliberate intention on the part of the reserved half of the Government to exclude the Ministers from consultation, but I must say that it can reasonably be attributed to the system under which any person is justified in assuming that he alone is responsible for the administration of the departments in his direct charge and that consultation with others is merely a matter of grace or formality. The very loose rules and orders issued under section 49 (2) of the Government of India Act may also be responsible for this lack of uniformity.

44. My grievance is not only against the Executive Councillors. I am quite willing to place the Ministers also in the same category, *viz.*, they are guilty of the omissions and commissions of the same kind for which I have criticised the reserved half of the Government. For instance, I don't

remember to have been consulted before the excise policy which aimed at ultimate prohibition was announced and all the troubles and misunderstandings arising out of the co-operative department were due to absence of previous consultation.

45. I have never been in favour of dyarchy and yet I believe that with all its manifold weaknesses and inherent defects it may be possible to work it more smoothly and harmoniously if all members of Government, whether in the reserved or transferred sections, are allowed the privilege of inspecting papers relating to any department and all matters involving broad questions of principle or policy are settled in consultation with all members. I may go a step further and say that all members must not merely have a voice but also votes in the determination of policies or important administrative measures. It is then only that the Ministers can be made to hold themselves responsible for the proper administration of any department and hope to carry the Council with them. At present they are expected to carry the Council with them though they had neither voice nor vote in shaping any policy or in undertaking any measure legislative or administrative belonging to the Reserved department.

46. In any case it is absolutely essential that all parts of Government must act in concert and in union with each other. Popular representatives in the Government must be given all facilities not only for influencing but also for shaping the policy of Government. By allowing members of Government to act independently or to work with a feeling that they were responsible for their own departments only and not for the Government as a whole the Government's position was at times weakened or had become awkward. Government was put to expenses which could have been saved. Curiously enough people outside have gained an impression that in these provinces unitary system of Government is observed and all questions, even relating to Reserved departments, are *invariably* settled after consultation with the Ministers. As stated before, people expected the Ministers to shape the policy of Government which it is impossible for them to do if they are not consulted at all. There is nothing in the Act or in the rules or executive instructions that gives the Ministers a right to force their advice or views on the other half of Government. It won't do to keep the Executive Councillors and Ministers in the dark as to what takes place in other departments.

47. Ministers' position has already become awkward. It is neither graceful nor desirable that they should expose the other half of the Government. It is also very difficult for them to explain to the general public their attitude with regard to any Government measure either of their own department or of any other. Their defeats or narrow escape from defeats in elections may, in a large measure, be attributed to the present system.

48. The provisions in the Act or the rules and orders issued under section 49 (2) of the Government of India Act must be altered with a view to put an end to dyarchy in the Executive Government or at least to minimise its evil effects.

49. In the eyes of law Ministers being parts of Government must have the same privileges as the Executive Councillors enjoy. Ordinarily, the Executive Councillor's decision is binding on the Governor who can overrule it only under the circumstances specified in section 50 (2) of the Government of India Act. While the powers vested in the Governor to overrule the Ministers under section 52 (3) are much wider and are subject to no restrictions, I shall show subsequently how at times this power

was not properly exercised and how it was a source of irritation and humiliation to the Ministers. Suffice it to say here that the Governor's power of superintendence, direction and control over the Ministers appears to be much more complete than even that of the Secretary of State for India in Council.

50. The Executive Councillors have a right to record their notes of dissent which, I understand, are forwarded to the higher authorities, but the Ministers are denied this privilege for no reason that I can think of. In support of this I cite one case in which I wanted my views to be forwarded to the higher authorities for consideration, but I was told that I had no right to do so. The question in this case related to allowances that should be paid to Indian Medical Service Officers holding various administrative posts. As Indian Medical Service Officers work in the Transferred departments, I was consulted along with the Hon'ble the Home Member who is in charge of Jail and Police departments. I dissented from the Home Member. All I wanted was a consideration of my views by the higher authorities. This concession also was not shown to me.

51. Even in cases when Ministers were consulted their views were buried locally. Ministers and Executive Councillors barring perhaps those who belong to Indian Civil Service belong generally to the same stock, possess the same qualifications. Why should one enjoy higher privileges and not the other ?

52. With regard to the transferred subjects it is not clear if the Governor is bound to consult only the Minister-in-charge or all Ministers jointly. Similarly, it is not clear if a Minister can call in aid the votes of his co-Ministers to outvote the Governor. Since the Ministers have no right to go up to the higher authorities for enforcement of their views I always took the view that they had only two courses open to them when they failed to influence the Governor from within, *viz.*, they must either resign or they must put up some member of the Council to agitate the same question in open Council. Since the Minister is supposed to support ostensibly the Government policy the latter is not a desirable course. The Minister's position becomes awkward, especially when he is defeated. It is another matter if a sort of convention were established that defeat under such circumstances should not necessitate Ministers' resignation.

53. The long and short of my argument is that if the Governor is to be a constitutional Governor, his power of vetoing the Ministers should be restricted as in the case of Executive Councillors. But ordinarily no Minister's decision should be vetoed except by a vote of the Council. The Ministers can't please two masters—the Governor on the one part and the Council on the other.

54. As in some respects the constitution of the Legislative Council is defective so is the constitution of the Executive Government. It is inconsistent with the main object of the reforms that in the Executive Government the popular element should be in a minority. Even when joint consultations were allowed the Ministers being in a minority failed to carry out the popular wishes in certain respects such as for instance the appointment of an Indian to the Secretary's post. It is not enough to have Indians as Executive Councillors. They must also be responsible to the Council.

55. At present the Executive Government of the province consists of (1) Governor, (2) two Executive Councillors and (3) two Ministers.

It may perhaps be out of place to discuss in this note the advisability or otherwise of having as many as two Executive Councillors and two Ministers. That must be done separately. The popular element can be increased by making all or a much larger number of subjects as transferred.

56. So far I have dealt with two forms of dyarchies—the communal dyarchy in the Council and the administrative dyarchy in the Executive Government. Nothing further need be stated about the communal dyarchy. Under the second form of dyarchy the Ministers, though ostensibly parts of Government, are for all practical purposes reduced to the position of heads of departments and nothing more. They have no incentive to feel any interest in the well being of the Government as a whole.

57. Now I shall proceed to show that even as glorified or highly paid heads of departments the Ministers' powers are very much restricted. The Ministers are sandwiched between permanent heads of departments on the one part and the Governor on the other. To maintain their position as glorified heads the Ministers have to be at the mercy of these two forces between which they are sandwiched. The somewhat broad provisions contained in section 52 of the Government of India Act have been considerably whittled down by means of rules and orders issued by the Governor under section 49 (2) of the said Act. Under these rules or orders which have the practical effect of nullifying the Reforms the men in the permanent service of Government who for the time being happen to be the Commissioners of Divisions, or heads of the departments or Secretaries to the Government are the virtual or *ipso facto* administrators. They can and often do challenge the propriety of the Ministers' orders and the Ministers can do them no harm even if their decisions or recommendations are ultimately negatived by the Governor.

58. Under section 52 (1) of the Government of India Act, Ministers are appointed for the purpose of administering transferred subjects. I understand this sub-section to mean that Ministers are entirely responsible for regulating both details as well as policies of transferred subjects. Though sub-section (3) of this section is differently worded from section 50 (1) of the Act in practice both must be construed as having the same meaning. High paid officers are appointed not simply for the purpose of giving advice but they must be responsible for shouldering the burden of administration.

59. To make sub-sections (1) and (3) of section 52 harmonize with each other the only reasonable interpretation that can be put on sub-section (3) is that the Governor may overrule the Ministers only where difference arises on broad question of principle or policy and when he (the Governor) believes that to accept the Minister's advice would seriously prejudice the interests of the provinces. Ordinarily, Ministers must be allowed to have their own way and the bludgeon provisions in the Act must be very rarely or sparingly used.

60. I frankly admit that so far as departments in my charge were concerned, His Excellency Sir Frank Sly generally did not attempt to overrule me so far as broad questions of policy were concerned. I have mentioned before that the Governor did not attempt to make any changes in the legislative measures which includes rules and by-laws framed under different enactments. I may mention a few other instances [to wit, (*a*) the introduction of vernacular as the medium of instructions, (*b*) the

reorganization of the administrative branch of the Education department, (c) the transfer of dispensaries to the local bodies or private management, etc.] to show that so far as general policies and principles were concerned, I was allowed a free hand.

61. At the same time I must say that His Excellency did not invariably follow the same rule so far as details of administration were concerned. One would perhaps be surprised to hear that a Governor who was so generous as to allow a Minister to have his own policies should have taken a different course in regard to matters of details. Unfortunately, however, it was so. It is here that the dyarchy was found to be most humiliating.

62. The reason is that rules framed or orders issued under section 49 (2) are not what they should be and tend to produce mischief in practice, thereunder the already strong position of the bureaucrats has become almost invincible. They can defy the Ministers. I shall site a few instances to show how the heads of the departments or Commissioners of Division, or the Secretaries placed both the Governor as well as the Minister in a false or delicate position.

63. The various instances of interference that occurred during the term of my office have left an impression on my mind that the bureaucracy still wants to retain the control of the departments in their hands, they don't desire to accept the decisions of the Ministers whose position under the circumstances is reduced to that of mere post offices. I may go further and say that under the rules the Ministers' position is inferior to that of the heads of the departments.

64. If it is not contemplated to make any changes in the rules and orders issued under section 49 (2), then I think it is not necessary to retain Ministers. If they are retained at all, they should be responsible only for laying down policies and not for actual administration of the policies they lay down. For such work as they can do or are expected to do under the rules and orders issued under section 49 (2) a remuneration of rupee one a year or at the most Rs. 10 a month would suffice. This is not an afterthought with me. To the same effect I had written a letter to His Excellency when I was in office.

65. I have stated before that rules and orders issued under section 49 (2) are unworkable. The practical effect is to abrogate the spirit of the Act. Although ordinarily the Governor is expected to uphold the decisions of the Ministers except when they are manifestly unjust or perverse the Governor who belongs to bureaucracy did on several occasions upset the Minister's order in petty cases involving simple questions of facts. If Ministers are unfit to decide petty cases or simple questions of facts, they should be dismissed ; but so long as they are there no one except the Council should be allowed to question the propriety of their decision. At times I felt that my position was nothing more than that of office-bearers of local bodies who in the old régimes could be pulled by the ears by the Commissioners and the Deputy Commissioners.

66. Another impression I gained from the various orders which His Excellency passed in many cases was that he could not afford to displease on all occasions the departmental heads or Commissioners of Divisions I don't think His Excellency had laid down any settled principle for dealing with cases disposed of by the Ministers. It is only in one class of cases that I observed something approaching a settled policy. My proposal

with regard to punishment, withholding of increments, pensions, etc., of Imperial Service officers were generally upset except in one or two cases.

67. Otherwise the practice lacked uniformity. From the varied orders that were passed by His Excellency in individual cases I did not learn any new lessons in the art of administration or any administrative foresight. For instance, I could not picture to myself how a Governor could support my policy of non-interference with a Municipal Committee who wanted to hoist a national flag on Municipal office and how the same Governor could ask me to uphold an order of a Deputy Commissioner who had suspended Committee's resolution to the effect that its servants should put on *khaddar* dress.

68. The truth appears to be that the heads of the departments and others considered that their position was made strong by the rules and orders passed under section 49 of the Act. They did not lose a single opportunity of availing themselves of the provisions of these rules and orders and as a consequence they have become too strong to be controlled by the Ministers.

69. For the purposes of this note I don't think it necessary to refer to all the rules and orders passed under section 49. Reference to a few will suffice to prove the accuracy of the contentions mentioned before. Order 3, paragraph 98 (A-General), empowers the Executive Councillors or Ministers to dispose of on their own responsibility such cases only as are of *minor* importance. The expression "minor importance" is nowhere defined. Similarly, the expression "matters of importance" occurring in Order 7, paragraph 102, is nowhere defined. Owing to the absence of any definition of any of these two expressions coupled with the provisions contained in Order 7 and the very wide power conferred on the Secretaries by Order 8, cases which in my opinion were petty or simple or of no importance were taken to the Governor for final orders.

70. The most irritating or humiliating part of the whole business was that in cases in which my views differed from those of the heads of the departments or Commissioners I was asked to send the cases for the final orders of His Excellency. The evident meaning or object in each case was that I should either reconsider my views and bring them into line with those of the heads of the departments concerned or be prepared to face the penalty of an adverse decision by the Governor.

71. I always stuck to my views and generally did not change them on account of the influences that were brought to bear on me. I don't mean to say that His Excellency the Governor upset my decisions in every case. In some cases he upheld them, in some cases he upset them. Some cases were returned to me for final orders on consideration of His Excellency's remarks.

72. I don't know what the Executive Councillors and the other Minister think of these rules. Speaking for myself I was disappointed with the manner in which I was treated under the authority of these rules. In fact I felt several times that for an assertive Minister or for a person who is desirous of going deeply into any case in order to be able to form an independent judgment of his own, it is impossible to work with any sense of dignity or prestige so long as these rules and orders remain in force.

73. Again these rules appear to be specially derogatory to the Minister. Under rule 10-A the heads of departments presumably concerned with

transferred subjects can seek Governor's interview for discussion of any subject. Why such a rule is not made in regard to a reserved subject is not known.

74. Although the heads of departments are given the privilege of approaching the Governor directly the rules confer no similar right on a Minister.

75. I have no recollection whether the Ministers were consulted about these rules and orders. Whether they were consulted or not is immaterial. We find that in practice they have been acted upon in a manner that is injurious to the growth of the proper spirit of responsible Government.

76. The long and short of these rules and orders is that (*a*) Ministers have a right to dispose of cases of minor importance only ; (*b*) in administrative matters Governor is the final authority ; (*c*) the opinion of Commissioners, heads of departments and Secretaries as regards the degree of importance of any case is final.

77. If I have rightly interpreted the situation then the fact that the Governor does not interfere with the broad outlines of Ministers' policies or that he upholds certain decisions of the Ministers lose much of their significance when we contrast it with the other facts that persons, who in the eyes of law are and must be subordinate to the Ministers, are empowered to challenge the decisions of the Ministers and that at times the Governor upsets the decisions. It is on account of the events of the latter kind that the people have gained an impression that the administration is for all practical purposes still under the exclusive control of bureaucracy. Under the circumstances, it is impossible for the Ministers to make any changes of importance except with the consent of bureaucracy. With these impressions prevailing all around it becomes difficult for the Ministers to carry the Council with them.

78. All the troubles that have arisen in the past against the Ministers and that will arise in future are due to the fact that Ministers are expected to do work of minor importance and for such minor work a highly paid agency is not necessary. If their salaries were votable, I believe the Executive Councillors will also share the same fate.

79. I feel confident that no one who has got any knowledge of the cases that were taken to the Governor can say that my decisions in those cases were perverse, or manifestly unjust or amounted to miscarriage of justice. If the records of those cases are examined even now I feel confident that the same verdict would be given by an independent judge. Even assuming that in some cases a different view could be taken that was by itself no ground for interference on the part of the Governor. Minister is a colleague of the Governor and not his subordinate. So long as Ministers' decisions were not inconsistent with settled policies or so long as Ministers were desirous of laying down policies through a continuous stream of decisions there should be no interference from outside. I believe my decisions were always dictated by this consideration.

80. In the non-co-operation days it was settled that a lenient view should be taken of boys who left schools or who failed to observe any departmental orders under the influence of political agitators. This policy may not have met with the approval of some departmental officers. In spite of this policy the head master of the Bhandara High School presumably acting under instructions from the Circle Inspector of Schools did not

allow some boys to appear for the Matriculation Examination that was held in the month of March 1921. I did not like this order. The Director of Public Instruction who was not satisfied with my order asked me to withdraw it. On my refusing to do so the case was taken to the Governor who upset my order. Subsequently the Deputy Commissioner of Bhandara, a European, Indian Civil Service, told me that the head master acted very tactlessly and indiscreetly in dealing with boys. Now, who has suffered, not only the boys but also the Ministers and the Government, because the policy was not carried out with the same liberal mind with which it was laid down.

81. To popularize female education it was settled that Indian ladies of recognized merits should be appointed as Head Mistresses of Government High Schools. When a vacancy occurred and when an Indian lady possessing all necessary qualifications was available my decision to appoint the lady as Head Mistress of the Amraoti Government High School was opposed by the Director of Public Instruction who asked for Governor's interference, but without success.

82. I observed that lot of money was unreasonably locked up in unremunerative advances given to public servants for purchasing motors. Therefore I looked into every case to satisfy myself if the advance was necessary in the interest of public service. I was unable to understand why the Principal of the Robertson College, Jubbulpore, who resides in free quarters provided by Government within a few paces from the College, should require a motor car for the efficient discharge of his duty as Principal.

83. Two Civil Surgeons wanted advances for purchasing motors. On a very careful enquiry I came to the conclusion that neither needed a motor for efficient discharge of his duties. On a reference by the Inspector-General of Civil Hospitals the Governor upset my orders.

84. Mr. Hyde, Executive Engineer, Nagpur, claimed Rs. 100 a month on account of conveyance allowance. On a careful enquiry I held that the travelling the Executive Engineer had to do was not so extensive as to justify grant of a special allowance. A similar application by his predecessor, Mr. N. R. Verma, was rejected by me. The Chief Engineer did not challenge my decision in Mr. Verma's case, but I was surprised to hear that on a reference from the Chief Engineer the Governor has upset my decision in Mr. Hyde's case.

85. We settled the policy that persons simply because they professed to be non-co-operators or because they held particular political views should, on that account only, be not excluded from local bodies either as members or as office bearers. In spite of this policy one Commissioner refused to confirm the election of a person as President simply because such person was a non-co-operator. Everybody knew that at subsequent elections the same person would be elected and sometime it would be necessary to confirm his election. In spite of this Commissioner's order was confirmed by the Governor in the first instance.

86. The Commissioner, Nerbudda Division, had recommended that the Government bungalow for Commissioner at Pachmarhi should be fitted with teak wood ceiling at a cost of Rs. 1,200 or so. I did not think that the expenditure was necessary. Anybody could see that the matter was trifling or at any rate not of major importance. The Commissioners was informed

accordingly. He did not accept the decision and wanted to know if it had received the assent of the Governor. The Governor did not interfere ultimately, but this shows the mentality of the bureaucracy towards the reforms or towards the Ministers.

87. I will cite one more case to show how interference by the Governor either of his own accord or at the instance of the Commissioner or heads of departments has weakened the Minister's position in the eyes of the public. Even the educated public believe that under the system the Ministers are practically impotent and can't do anything of importance.

We had made it a rule that was applicable equally to Europeans as well as to the Indians that the period of deputation on foreign service should be as short as possible. Mr. Muhammad Shufi, Superintendent, Urdu Normal School, Amraoti's application for a longer extension was rejected by me in accordance with this rule even though some of my personal friends had asked me to grant the extension.

I am told that His Excellency has upset my decision and allowed Mr. Muhammad Shufi to serve on deputation as Registrar of the Delhi University. I came to know about His Excellency's decision in this case after the last Council's elections were over. A friend of mine from Simla told me that one Mr. K. C. Roy of the Associated Press, who had approached His Excellency in behalf of Mr. Muhammad Shufi was very jubilant over my defeat in the election. He told my friend about this case and said that it was not difficult under the system to get Minister's order set aside by directly approaching the Governor. In his conversation Mr. Roy is reported to have described the Ministers as impotent.

88. I don't think it necessary to encumber this note further by multiplying these and other instances that will be found in the office records. The only inference one can draw is that the heads of the departments or Commissioners were anxious to force their views on the Ministers and the Governor had, at times, to yield to the former when he found that they were obstinate.

89. It is this dyarchy which was unbearable. It may reasonably be asked why under the circumstances I did not resign. As a matter of fact I was prevailed upon not to do so by my friends, officials as well as non-officials. The latter especially asked me to stick on to the last to again personal experience and prove thereby the defects in the reforms.

90. As the Ministers are part of Government it is in the fitness of things that they should be consulted in all matters of importance connected with the administration as a whole or at least relating to the subjects in their charge. As the Ministers are responsible for administering subjects, they must have control over the services. I have referred to this matter incidentally before in this note. It will be discussed separately when the Lee Commission's report will be considered.

If you hold a man responsible for the efficiency of administration, he must also have some power for remunerating those who are actually connected with the spade work in the administration. People are remunerated in different ways. Their services are rewarded by promotions to higher administrative posts or by means of periodical increments of salary or by means of conferral of honours and distinctions which are distributed twice a year.

With regard to the last my complaint is that I was never taken into confidence either by the heads of the departments in my charge or by His Excellency the Governor. It is true that I was not prevented from sending my recommendations. But there is no reason why the heads of the departments should be at liberty to send their recommendations directly to the Governor and ignore the Ministers altogether. Under section 52 of the Government of India Act the Governor has to act on the advice of his Ministers. How are the Ministers to give advice about the suitability of proposed recipients if the Ministers are kept in the dark and if the Governor chooses to take the subordinates of the Ministers into his confidence and act upon their recommendations.

If honours are conferred as they sometimes are conferred on unsuitable persons, the Ministers have to bear the brunt. On the other hand, it is also believed that all rewards of any significance are within the gift of bureaucracy and not of popular representative. I am citing this instance not because my personal vanity is any way wounded, but I cite it to show how dyarchy is pursued with vengeance and how Ministers are denied association with the distribution of rewards for administrative work.

91. When I first heard the word dyarchy I understood it to mean or imply a delegated or decentralized form of Government under which the authority responsible for delegation has not totally abdicated its functions but has reserved to itself certain powers of superintendence, direction and control over the authority in whose favour the delegation is made. We had to suffer from this form of dyarchy also, but the effect of it was not felt to be so very shocking, irritating or humiliating as of the dyarchies within the province which I have described before.

92. As the Executive Councillors and the Ministers were not very communicative with each other, I cannot say in how many cases and in what class of cases local Government's proposals in other departments were interfered with by the Government of India or by the Secretary of State for India in Council. I know of one case, *viz.*, the Nagpur Flag Satyagraha, in which His Excellency the Governor and the Hon'ble the Home Member had to go to Simla to seek Government of India's advice.

93. In the departments in my charge there were occasions when mainly on account of the rules some proposals of the local Government on which official and non-official opinion was unanimous were either rejected by the higher authorities or delayed on account of late receipt of orders from higher authorities. I believe it was understood in the beginning that when local opinion in any provinces was unanimous there should be no interference from outside. In spite of this understanding rules framed under section 45-A of the Government of India Act (*vide* Schedules III and IV attached to these rules) and published in the Manual of Business Procedure debar local Government even in Transferred departments from creating or abolishing or from increasing or reducing salaries attached to posts ordinarily held by " All India service men."

94. Acting on the authority of this rule the Government of India rejected our proposal to amalgamate temporarily and till finances of the provinces improved the posts of the Inspector-General of Civil Hospitals and Director of Public Health. This interference was contrary to the letter as well as the spirit of the rules made under the same section. This interference frustrates the very object which the framers of the rules

had in view in making medical relief and public health provincial and transferred subjects. If those to whom these departments are transferred thought that for the time being one officer would be able to manage these departments Government of India ought not to have interfered.

95. The rules above referred to debar local Governments from creating or abolishing posts. Curiously enough the word " abolish " is interpreted to mean temporary suspension for a period of six months or over. Such interpretations of these rules has put further unhappy restrictions on the usefulness of the reforms.

96. The non-official opinion in these provinces has been pressing for the abolition of the posts of the Superintending Engineers and the official and non-official opinion was in favour of reducing the number. Even in spite of this unanimous opinion the local Government could not make the change and had, on account of this rule, to go on incurring unnecessary expenditure on the staff.

Now the main object in making Public Works (Roads and Buildings) a provincial and transferred subject is to place on the provincial Government and the Ministers the responsibility for improvement of accommodation and development of communications. In the matter of the entertainment of the staff the local Government and Ministers must have absolute power.

97. In this connection I may mention that in actual working we find dyarchy not only between Provincial Governments and higher authorities, but we meet with intra-provincial dyarchy amongst different departments of Government. So far as communications are concerned, no difficulty has arisen so far, but so far as construction of buildings is concerned, each department claims that it should be responsible for granting administrative sanction for buildings required for the use of that praticular department. In that case Ministers are reduced to the position of mere agents whose duty it is to supervise construction. They have no administrative and financial function. This has been a source of irritation in the past and is likely to be so in future if the distinction between " Reserved " and " Transferred " subjects is maintained.

98. Though on the one hand the rules made under section 45-A restrict the Governor General's power of superintendence, control and direction in the matter of transferred subjects the same rules compel the local Governments to employ even in the transferred departments fixed number of Indian Medical Service Officers in such appointments and on such terms and conditions as are prescribed by the Secretary of State for India in Council.

99. Though the Secretary of State or Government of India have to some extent relaxed their power of control over officers in the public service attached to provinces Minister's position is in no way bettered. Ministers can't enforce any disciplinary measures against such officers nor do the Ministers possess the power of posting such officers to places desired by them (Ministers). In all these matters my decisions or suggestions were on many occasions upset by the Governor either in deference to the wishes of the officers concerned, or in deference to the opinions of the heads of the departments.

100. Before I proceed to discuss the financial arrangements under the reforms I desire to state that for the purpose of transferring full responsibility or much more freedom to the provincial Governments or especially

to the Ministers it would not be enough simply to alter the provisions in the Government of India Act or the rules made thereunder. It will be necessary to examine Acts passed by the India Council or by the local Councils in order to see that in administrative matters the subordinate officers of Government are subject to the control of the local Government. After all it is the local Government that is called upon to account for acts and omissions not only its own, but also of its subordinates.

101. I am forced to make this suggestion on account of some instances that occurred during the term of my office. One alone will suffice to illustrate my views. It was the settled policy of Government to allow local bodies freedom in the administration of the statutory duties including appointments of their servants. In spite of this policy the Commissioner, Berar, refused to confirm the appointment of one man whom the Municipal Committee of Akola wanted to appoint as their Secretary. The Municipal Committee of Akola represented the matter to me for orders. On examination of the Berar Municipal Act, I found that the local Government had no power to revise the orders of the Commissioner and hence I rejected the Committee's representation.

102. At the same time I requested the Commissioner of Berar to revise his order and bring it into line with the settled policy of Government. He was not kind enough to consider my request sympathetically, and he refused to revise his order. I leave it to the readers of this note to draw their own inferences from this incident. I desire to make it clear that I am not in favour of excessive centralization of administration. For speedier and efficient administration decentralization on a liberal scale is necessary. All I wish to lay down is that in the administration of the province as a whole there must be something like a uniform system and the provincial Government must have the statutory power to control its subordinates.

## Finances.

103. During the three years of my term of office the provinces were suffering from financial stringency. It was only towards the end that some improvement became perceptible. That, however, was not much. Consequently Executive Councillors and Ministers did not think it worth while to fight for allocation of funds by making a few changes here and there.

104. Mainly in consequence of financial stringency general attention was directed towards economy and retrenchment. Although there was a general desire for retrenchment individual Council members did, at times, espouse the cause of one or the other classes of Government servants for increment of their salaries.

105. For this claim for increase Government was in a way responsible. Either in the pre-reform days or afterwards the heads of the departments or the members of Government do not appear to have acted in concert with each other. Different scales of salaries were fixed for different departments although outwardly the qualifications of the incumbents and the nature of their duties were very nearly similar. This ostensibly different treatment did not fail to create departmental jealousies, so much so that it often became very difficult to say where in each case justice ended and where exaggerations commenced.

106. As there was a financial stringency, the Cabinet discussions relating to budget before it was submitted to the Council used to be more or less of a formal character. The discussions in the Council on budget were principally directed towards retrenchment. Sometimes the desire for retrenchment was carried to extreme without due regard to the obligation the Government had incurred. One suit was filed against Government for damages for loss of service. The suit was dismissed but one must learn a lesson therefrom.

107. Councils are given extensive powers for rejecting or reducing demands and this power is likely to be exercised to the prejudice of men in the permanent service of Government or of those who are engaged on special contracts. The desire for economy is associated with suspicion that prevails in some quarters that in the matter of departmental expenditure executive Government is extravagant.

108. In the interest of stability and to avoid hardship in individual cases and to give the Council more effective control over departmental expenditure it would, I think, be better if the strength of each department and scales of salaries of different cadres were fixed by an Act of the legislature. This suggestion needs further scrutiny or examination, but until some such step is taken it would be difficult to check the annual vagaries.

109. Under the present Act Council's powers in regard to budgets are in certain respects curtailed. The Council has no control over receipts and has no power to appropriate or readjust expenditure under different heads. I believe under the old Act the Councils in pre-reform days could reduce or increase estimates under " Receipts " and could also appropriate or readjust expenditure. Why this power was taken away from the new Council I don't know.

110. Receipts under certain heads are fixed by statutes while others are derived under the authority of statutes, but the scales are fixed by rules which are framed by the Executive Government. Councils may be given some greater control over the latter classes of receipts.

111. It is true that rules are published for public criticism. They are also published in the official gazettes, copies of which are supplied to the Council members. My experience is that very few people take notice of these rules. Even if some take notice of these rules their criticisms are not openly discussed. It is therefore worth consideration if it would not be proper to discuss such rules beforehand in the Council.

112. I was not in charge of the Finance department and had very few opportunities to study its working. I am not therefore in a position to offer any useful criticism. I can, however, say that owing to the distinction between reserved and transferred subjects disputes between two halves of Government are quite conceivable. Differences did arise between me and the Finance department on the question relating to circumstances under which the temporary service of a Government servant should be counted towards pension. My recollection is that the cases involved pure questions of fact and ordinarily my view as the head of the department should have prevailed, but that was not so. I believe the Finance department carried the day.

113. Finance as such is neither a " Reserved " nor a " Transferred " subject. Finance department is created under rules framed under section 45-A of the Act. Under these rules the department is placed under the control of a member of the Executive Council. Finance Member is appointed by the Governor and he is the *ex-officio* Chairman of the Committee on Public Accounts.

114. So far as I see, the rule, if it provides that the Finance department shall be under the control of a Minister, shall not be void nor is there anything that would make the appointment of Minister as Finance Member illegal. If in financial matters control is transferred to Ministers, it would be a great step forward and would go a great way to allay public discontent.

115. Similarly, as an intermediate step or as a temporary measure control in certain revenue matters can be transferred to the popular half of Government by appointing Ministers to discharge the functions of " Financial Commissioner." At present these functions are divided between the two members of the Executive Council.

116. It may not be understood from the remarks hereinbefore contained that I fail to appreciate the importance of the heads of departments. I recognize that men in the permanent service who have got practical experience of day to day administration should have a right by advice to influence the policy of Government, but they must not dictate policies to Government and must be prepared to accept cheerfully whatever orders are passed by the Ministers.

117. I hope I have confined my remarks within the purview of Government of India's letter. I have not deemed it fit to discuss other broader questions relating to political or administrative reforms. They must be discussed separately. I have expressed in this note my personal experience only. I now summarise my proposals :—

(*a*) the Council should be reconstituted by—

(i) removing therefrom class and communal representation.

(ii) removing official element.

(iii) by increasing representation of educated classes or of interests which require technical knowledge.

(iv) prescribing much higher qualifications for members.

(*b*) The functions of the Councils as distinguished from those of executive Government should be clearly defined.

(*c*) The members of the departmental Standing Committees should be allowed greater facilities for coming into closer touch with administrative details and the Ministers should have complete freedom to place before the Standing Committees such questions for advice as they think fit.

(*d*) Council Secretaries should be appointed out of a panel selected by the Council.

(*e*) So long as parties on constitutional lines are not organized the same procedure may be adopted in the matter of appointment of Ministers.

(*f*) The distinction between " Reserved " and " Transferred " subjects may be abolished and all subjects may be transferred or in the alternative a larger number of subjects may be transferred with the evident idea of reducing the number of Executive Councillors and increasing the number of Ministers. Devolution Rule No. 6 may be amended accordingly.

(*g*) Ministers should be kept in touch with the working of other departments. They should have access to all papers confidential or otherwise even though they do not relate to the subjects in their charge or are not concerned with any case pending disposal before them.

(*h*) The system of joint consultation in all matters of principle and policy or any important administrative measure should be made universal and in all Cabinet discussions the Ministers should not only have voice, but they should have votes irrespective of the fact that the subject is reserved or transferred.

(*j*) If the distinction between " Reserved " and " Transferred " subjects is retained then let the transfer be real and not nominal. The Ministers should not be mere advisers to the Governor, but they must be real administrators responsible both for policies as well as for details.

(*k*) In the matter of policies the Ministers ordinarily should be subordinate to the Legislative Council and when they are supported by the Council Governor should not interfere except perhaps under the circumstances mentioned in section 50 (2) of the Act.

(*l*) In matters of details Minister's orders should be final and not subject to revision by the Governor nor should they be liable to be called into question by the heads of departments, Commissioners of Divisions or by Secretaries. This rule should hold good even though orders relate to disciplinary measures against public servants of all classes or to their posting to any place.

(*m*) Councils may be given more control over receipts, especially those that are received under the authority of rules or executive instructions.

(*n*) The legality of the proposal to appoint a Minister as a Finance Member and placing the Finance department under his control may be considered.

(*o*) To vest in the Ministers certain amount of control over subjects which are " Reserved " by appointing them to discharge the functions of Financial Commissioner.

(*p*) To amend the provisions of Acts with a view to place the subordinate Government servants under the administrative control of Government.

Letter, no. C.-253, dated the 3rd October 1924.

From—Chief Secretary to Government, Central Provinces,

To—The Secretary to the Government of India, Home Department.

SUBJECT :—*Interpretation of the Devolution rules relating to the budget.*

I am directed to refer to my letter no. 293-I., dated the 7th July 1924, on the subject of the working of the reformed system of Government.

2. In paragraph 5 of that letter the following passage occurs :—

> "So far as the budget is concerned the system of Government laid down in the devolution rules is a unitary one; this has been extended to all financial business by the convention which His Excellency the Governor has established that an objection by the Finance Department must prevail unless it is overruled by the whole Government."

From the published reports of the evidence given before the Reforms Committee, it appears that this passage has given rise to some misapprehension and it is desirable, therefore, to explain more exactly the practice in force in this province.

3. I am to enclose copies of the standing orders dealing with this matter. Objections by the Finance Department are not pressed except on matters of importance and in accordance with the procedure indicated in paragraph 8 of my confidential letter referred to above, such objections are brought before the whole Government for *discussion*; thereafter the decision is arrived at by the half of Government directly concerned subject to the statutory powers of the Governor.

*Enclosure.*—

Copy of Standing Orders.

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## STANDING ORDERS.

Procedure when any Department differs from an opinion given by the Finance Department.

*Order no 46-A.*—The following procedure will govern cases in which there is a difference of opinion between an administrative department and the Finance Department :—

(*a*) When the advice of the Finance Department in regard to any matter on which it is required to advise or report, is not accepted by the administrative Department, the case shall be submitted for the orders of the member in charge of the Finance Department, if his orders have not already been recorded.

Procedure when a member or Minister in charge of a department differs from views of the Finance Member on important matters.

(*b*) When the views of Finance Member in regard to any matter on which the Finance Department is required to advice or report are not accepted by the Member or Minister in charge of the Department in which the reference originated, the latter may submit the matter to the Governor for the orders of the local Government.

No project should be vetoed before discussion of the Budget by the Government.

*Order no. 46-B.*—No project shall be vetoed on the ground that funds will not be available in the next financial year except at the final discussion of the Budget by the Government

Letter no. 447-C., dated the 1st July 1924.

From—The Chief Secretary to the Government of Assam,

To—The Secretary to the Government of India, Home Department, Simla.

SUBJECT.—*Enquiry into the working of the reformed constitution.*

SIR,

I am directed to invite a reference to the Home Department letter no. F.-166-Pub.—1924, dated the 8th April 1924, in which the Government of India ask for a picture of the working during the last three years of the existing constitution, for a report on the difficulties which have arisen, and for recommendations as to the remedies which can be introduced without taking measures so far-reaching as to involve fundamental changes in the policy and purpose of the Government of India Act.

2. A report on the working of the reformed constitution was submitted to the Government of India in my letter no. 870-C., dated the 2nd July 1923, and it will only be necessary now to bring the picture up to date by explaining the developments which have since taken place.

3. The first reformed Legislative Council was dissolved in October 1923. It was on the whole amicably disposed to Government, and its relations with the executive were generally harmonious. In August 1923, it caused some embarrassment to Government by refusing to accede to a supplementary demand which was placed before it for the commencement of proceedings, due in the ordinary course of the land revenue system, for the resettlement of two of the temporarily settled districts of the province. This refusal was due to a not unintelligible disinclination on the part of the members to accept responsibility just before a general election for an increase in the land revenue, and the restoration of the demand by certification met with no criticism from any quarter.

4. At the general election which took place at the end of 1923 members of the non-co-operation party in Assam with few exceptions declared themselves in favour of entering the Council. Nearly every seat was contested by a member of the party, and although in many cases these candidates hesitated to commit themselves definitely to the *Swarajist* programme they had the support of the local Congress and *Khilafat* organisations. On behalf of their opponents there was practically no organised canvassing, and a number of former members who depended on their position or personal influence were defeated at the poll. Twenty-nine out of the thirty-three general constituencies were contested. Out of 197,945 voters qualified to vote for those constituencies, 83,320 recorded their vote, the percentage being 42 as against 24 per cent. at the previous general election. The increased interest indicated in the higher percentage was doubtless due to the organised canvassing undertaken by one party.

5. Since the death of the Hon'ble Rai Bahadur Ghanasyam Barua in March 1923 one of the two posts of Minister had been left unfilled, both of the transferred portfolios being temporarily held by the remaining Minister,

the Hon'ble Rai Bahadur Promode Chandra Datta, B.L. As soon as the results of the election were notified this Minister handed in his resignation and was reappointed by His Excellency the Governor. Maulavi Syed Muhammad Saadulla, M.A., B.L., was appointed to the vacant Ministership.

6. The new Legislative Council, which assembled in March 1924, contains an organised " Nationalist " party comprising approximately half of the 39 elected members, with the declared " *Swarajists* " as a nucleus and with a " *Swarajist* " as leader. The extreme wing of this party would have been glad to follow the example of wrecking dyarchy set by the " *Swarajists* " in the Legislative Assembly and in the Bengal and Central Provinces Councils, but it realised that it had no chance of inducing the majority of the Council to follow it in this policy. No attempt was made to reject budget demands wholesale, and although notice was given of a motion to reduce the salaries of the Ministers to one rupee per annum apiece the motion was withdrawn. Outside the Nationalist party there is in the Council, as there was at the elections, no sort of party organisation. Many of the members, although they are not prepared definitely to join the Nationalist party, sympathise with many of its objects, and, whilst they are decidedly against any attempt to wreck the Government, they are in many respects more inclined to oppose Government than to support it. This is unfortunately at least as much the case when Government is represented by the Ministers as it is when Government is represented by the Members of the Executive Council ; and it is a regrettable fact that the acceptance of office by the Ministers and the indication of a genuine attempt on their part to work the existing constitution are sufficient to alienate from them the good-will of the Council as a whole and to deprive them of the influence which they exercised as private members. The Nationalist party has consequently been able to secure a majority for several decisions which will be more or less embarrassing to Government. The salaries of Ministers were reduced from Rs. 3,500 to Rs. 1,500 a month ; and, although the present Ministers have consented, at a sacrifice, to retain office for the time being on the reduced salaries, the amount now fixed cannot be regarded as adequate to secure the best men available even in a small province like Assam. The reduction of essential items in the demands for the reserved departments compelled His Excellency the Governor to resort to certification (as explained in a Government communiqué, of which a copy is annexed) on a larger scale than had been necessary hitherto. This certification has already evoked somewhat bitter criticism in the Press, and it is possible that it may tend to increase the hostile element in the Council. The Government business which has so far been placed before the Council has been practically confined to matters connected with the budget, and there has as yet been no opportunity of ascertaining the line which the present Council will take as regards Government proposals for legislation. In the matter of questions and resolutions, the Nationalist party attempted to hark back to the measures taken by Government and the local executive authorities to deal with the non-co-operation movement in 1921 and the early part of 1922. In replying to questions Government declined to call for information concerning matters which occurred some years previously and with regard to which the persons concerned refused at the time to utilise the remedies provided by the courts. A majority of the Council apparently approved of this action, since when a resolution was moved from the Nationalist party recommending the appointment of a committee to report on the measure taken by

the executive authorities to deal with the non-co-operation movement, a motion made at the suggestion of the leader of the house that the debate be adjourned *sine die* was carried by a majority. On the other hand, a resolution recommending that immediate steps be taken to establish full responsible Government was passed by a large majority, the Indian elected members supporting it unanimously. The present position is therefore unstable. The only organised party is in declared opposition to Government and on many at any rate of its objects can command a majority of the Council. On the other hand, the extreme wing has not succeeded in inducing a majority to support it in an attempt to wreck the existing constitution.

7. The working of the present constitution since its inception has now been described, and it remains to deal with the Government of India's request that the situation should be examined with a view to ascertaining how far it can be improved, without taking measures so far-reaching as to involve fundamental changes in the policy and purpose of the Government of India Act. As there has been only one session of the new Council, the situation itself is still in the making and it is impossible to make any positive statement as to the manner in which it will develope. As matters stand, all that can be said is that it seems more likely to deteriorate than to improve. The real obstacle in the way of working the existing constitution is the presence in the Council of a numerically small but important and influential party which consistently and constantly expresses its condemnation of dyarchy as unworkable and utterly unsatisfactory and its determination to end it. It is possible that, as the real implications of this policy come to be understood, it may receive the active disapproval of some of those who are at present not disinclined to join the extreme wing in opposition to measures which Government consider essential. It is at least equally probable that a continuance of the extreme policy will necessitate an increasing use of the Governor's powers of certification and the like, which will lead to increasing resentment and ultimately to a complete breach between Government and the Council. The general attitude of the Council in regard to the present political situation is well illustrated in the debate on the introduction of responsible Government in Assam, a copy of which is enclosed. The resolution on the subject requested the Secretary of State and the Governor General in Council to take such immediate steps as may be necessary in order to establish full responsible Government in Assam. Of the members who supported the resolution, some took it in its literal sense, while others interpreted it as meaning that full responsible Government should be established as early as practicable, but a widespread dislike of diarchy and a general desire to support the resolution were evident, and it was eventually carried by a majority which included all the Indian non-official members of the Council except three nominated members.

8. The difficulty of the position is aggravated by the fact that the *Swarajist* party in Assam, as elsewhere, is part of the all-India *Swarajist* organisation, and draws its inspiration from leaders with an all-India reputation and influence. These leaders have made it clear in the Assembly and elsewhere that their object is the early establishment of " Dominion Home Rule " for India as a whole. They share the view expressed by Sir

Malcolm Hailey in the Assembly on the 8th March 1924 that in face of this larger issue provincial autonomy is a minor and subsidiary proposition, and it is not likely that their hostility to the present system of Government would be materially lessened by any advance in the direction of granting larger powers to provincial legislatures.

9. In these circumstances it would be vain to seek a solution of the problem in alterations of detail in the Government of India Act and in the statutory rules framed under it. His Majesty's Secretary of State has pointed out the necessity of establishing " closer contact and better understanding " with those who share with Government the responsibility of working the existing constitution and with public opinion generally. The difficulty here is that most of those who at present have the greatest influence in moulding public opinion refuse to take advantage of the opportunities given to them for closer contact and better understanding and declare their intention of maintaining this attitude until their demands are satisfied in full. The authors of the report on Indian constitutional reforms based their expectation of the successful working of the complex institutions which they proposed to set up on the anticipation that reasonable men would conduct themselves in a reasonable manner in a spirit of compromise and co-operation (*cf.* paragraphs 257 and 347 of the report). One of the main causes of the present troubles is that that anticipation has not been realised. Government has to present the demands which it considers reasonable and essential to a Council, a considerable section of which is openly hostile to the present constitution and is indisposed to consider them on their merits. Its avowed policy in pursuance of its object is to defeat and thwart Government on every possible occasion. No regard whatever is paid to the dictum of the Joint Parliamentary Committee on the Government of India Bill that the Governor's power of restoring grants on the reserved side was intended to be real and that its exercise should not be regarded as unusual or arbitrary. On the contrary " arbitrary " is the mildest epithet applied to a Governor who certifies a demand ; he is accused of flouting the wishes of the representatives of the people and goading them to revolt. The Reforms are declared a sham and the powers of the Council illusory. The dangers of agitation of this character among an uninstructed electorate and an ignorant population are obvious, particularly when the Governor's action leads to necessarily unpopular operations like the resettlement of the land revenue.

10. It was apparently expected originally that Ministers would be able to guide the Council in the path of reasonableness and compromise, but unfortunately this anticipation also, through no fault of the Ministers, has failed. Owing to the financial stringency, the effects of which will be further discussed later, Ministers were unable, during the life time of the late Council, to effect any marked expansion of the activities of the departments in their charge. They found it impossible therefore to arouse any enthusiasm during the elections. Some sections of the electorate were actively hostile but most were indifferent. The late Council was, generally speaking, amicably inclined both to the Government as a whole and to Ministers in particular, and was disposed to make the best of things, and if the second Council had been of the same complexion, Ministers might have enjoyed a second term of office in conditions which, though by no means ideal, would at least have given them opportunities of doing useful

public work and acquiring useful experience. But the appearance in the Council of a vigorous and well organised party consisting chiefly of men who had stood aloof at the first election and many of whom had taken an active part in the non-co-operation movement, has entirely changed the position. The object of this party being to end dyarchy, their first and easiest line of attack is to make the position of Ministers impossible. They have not yet succeeded in driving the present Ministers from office, but the depressing effect of their tactics on Ministers is clearly shown in the minutes of the Hon'ble Rai Bahadur Promode Chandra Datta and the Hon'ble Maulavi Syed Muhammad Saadulla, which are appended. In its treatment of the Ministers as in other respects, the action of an important section of the Council cannot be held to be that of reasonable men seeking to work the constitution in a reasonable manner. The amicable relations which have been established between the two sides of the Government and the success which the Ministers have achieved in the unfamiliar task of administration are regarded not with satisfaction but with suspicion. The past services of Ministers as popular leaders are ignored ; they are accused of having surrendered such powers as they possess to the bureaucracy, and every effort is made to be-little the value of their work. In these circumstances the difficulty of including the Council to adopt a more friendly attitude towards the Ministers is immense and official attempts in this direction only seem to make matters worse.

11. There can be no doubt whatever that the main cause of the Ministers' failure to consolidate their influence in the Council is the financial stringency which has prevailed since the establishment of the Reforms. It was assumed at the outset of the Reforms that every province would start with a surplus and that the lion's share of that surplus would be placed at the disposal of Ministers (*cf.* paragraph 70 of the Government of India's first reforms despatch dated the 5th March 1919). This anticipation, like others, has not been fulfilled ; if it had been, the course of events and the present position would have been very different. Instead of starting with a surplus, the province found itself labouring under a deficit, which not only precluded any hope of expansion, but necessitated increased taxation, retrenchment and a curtailment of such activities as had been possible in former days. During the nine years immediately proceeding the introduction of the Reforms, Assam received from the Government of India grants aggregating to more than three crores of rupees, equivalent on pre-war standards to more than twice its annual income. Some grants were earmarked for specific purposes, while others were free, but in all cases these grants formed a reserve which the Local Government could and did utilise in financing large schemes of provincial and local improvements which appealed to the popular imagination. On the introduction of the Reforms, instead of receiving grants from the Central Government, Assam found itself required to make a substantial contribution to Central revenues, while the sources of income allotted to the province were insufficient to meet its necessary expenditure, which had increased, partly owing to the Reforms, but mainly owing to the general fall in the value of money which followed the war. In these circumstances, it is hardly surprising that the general public lend a ready ear to those who tell them that they have received no benefit from the Reforms, and that they hold Ministers responsible for the stagnation which, owing to the

financial stringency, has taken the place of development in the transferred departments.

12. The Governor in Council entertains no doubt that of all the remediable difficulties which have hampered the working of the present constitution, that of finance is the most important. If even at this stage the anticipation of the framers of the Reforms scheme could be realised, and Ministers could be given a surplus, however modest, an enormous improvement in the situation would result. Ministers would at least be able to make a beginning with schemes for the improvement of public health, the development of education, communications and similar objects, which would not merely appeal to the popular imagination, but are urgently needed in the interests of the province and its inhabitants. Genuine, even though limited, progress in these directions would greatly strengthen the hands of Ministers and would deprive of its sting the gibe that they have no power and that they are content to waive their responsibilities. The Governor in Council is aware of the circumstances in which the Government of India were prevented by the Assembly from making any advance towards the abolition of the provincial contributions, but he is convinced that, so far as Assam is concerned the first step towards rescuing the constitution from the difficulties under which it is labouring is an improvement of the provincial finances.

13. Leaving aside the irreconcilables, who declare that they will be content with nothing less than the immediate grant of full provincial autonomy, there is an element in the Council which presses strongly for the transfer of further subjects to the charge of Ministers. A copy is appended of a debate which took place in the Council of the 26th March on a resolution recommending the inclusion of Forests, Public Works, Excise and Fisheries among the transferred subjects. The resolution, though opposed by Government, was carried without a division, and the Governor in Council has accordingly thought it desirable to consider whether anything can be done to meet the wishes of that section of the Council, which does not desire or expect the catastrophic changes demanded by the extreme party, but would welcome a further advance towards responsible government as a token of Government's good intentions in the matter. His Excellency in Council is not prepared to recommend the transfer of Forests. This subject has been reserved in all provinces except Bombay and Burma, and should continue to be reserved in Assam, not because Ministers would not be capable of administering it, but because it is doubtful whether the majority of the Council appreciate the principles of forest policy, and the result of withdrawing the safeguuards which exist so long as the subject is reserved might be disastrous. The public Works Department, Excise and Fisheries have however been transferred in all provinces except Assam, and there is therefore some justification for the demand that the question in relation to them should be reconsidered at the present juncture. Fisheries is an unimportant subject. The reason given by the Functions Committee for reserving it in Assam was that restrictive measures for the protection of fish have been unpopular and that the administration of Fisheries is closely connected with the Land Revenue Department. It is true that the collection of the revenue from fisheries is carried out by the Land Revenue staff and that this function must continue to be reserved so long as Land Revenue is reserved, but

the Governor in Council sees no reason why the other activities of the Fisheries Department should not be transferred as in other provinces. Unfortunately they have for the present practically ceased to exist owing to want of funds, and the political advantage to be derived from transferring Fisheries by itself would be negligible. The really important question is the treatment of the Public Works Department and Excise.

14. It will be seen from paragraph 49 of the report of the Functions Committee that the main reason for reserving these departments was their importance in the excluded areas, which were subsequently treated as backward tracts under section 52-A of the Government of India Act. Those tracts cover nearly two-thirds of the total area of the province and are unrepresented in the Council except by one nominated member. It has been declared that laws made by the Indian Legislature or the local legislature shall come into operation in the backward tracts only on such date and subject to such exceptions and modifications, if any, as the Governor General in Council or the Governor in Council, as the case may be, may direct. On the other hand, the backward tracts are subject to the control of the Legislative Council in other respects. The financial provision for their administration is included in the budget of the local Government and laid before the Council in the ordinary course. As the Functions Committee remarked, among the most important duties of the Public Works Department are the construction and maintenance of hill and frontier roads in the backward tracts. There is already considerable dissatisfaction in the Council with the expenditure on these tracts which exceeds the revenue derived from them. The maintenance of adequate communications in these tracts is however a matter of more than provincial concern. It is essential that the Governor should be in a position to discharge his responsibilities to the Government of India for these areas, and it is clear therefore that the Public Works Department in the backward tracts must continue to be reserved. It has been suggested by the Hon'ble Ministers that this need not prevent the Public Works Department in the rest of the province from being transferred, but serious complications would attend any such arrangement. Of the seven Public Works divisions in the province, one is entirely confined to a backward tract, and one has no concern with a backward tract. The remaining five include both backward tract areas and ordinary plains districts. It would not be possible without considerable and unnecessary expense to create separate divisions for the backward tracts and for the plains areas, and any attempt to work an individual division partly on the reserved and partly on the transferred side would lead to hopeless confusion in accounts and administration and to grave risk of friction. His Excellency in Council is therefore constrained to the conclusion that it is not practicable at present to transfer the public Works Department in Assam.

15. In regard to Excise, however, the case is different. The Government and the Council are in general agreement on the broad principles of the excise policy which should be followed, and there seems to be no ground for anticipating greater difficulty in regard to points of detail than has occurred in other provinces where Excise is a transferred subject. Nor need special difficulties be anticipated in regard to the backward tracts. It would always be within the power of the Governor to stop the extension to those areas of any preventive or other measures which he considered unsuitable. If, therefore, the Government of India consider that

the time has come to effect the transfer of further subjects, the Governor would be prepared to recommend the transfer of Fisheries and Excise in Assam.

16. It may be mentioned that some dissatisfaction is felt in the province with the treatment of the backward tracts under the Reforms scheme. The Government of India will remember that the Functions Committee proposed to exclude the hill and frontier districts from the scope of the Reforms altogether, but Sir Nicholas Beatson Bell objected to this course on the ground that it would be regarded as a retrograde measure, inasmuch as it would withhold from the reformed Legislative Council the limited powers which its predecessor enjoyed in respect of these areas. This view prevailed, and while the authority of the Council to legislate for the backward tracts is restricted, it possesses theoretically the same powers of control in respect of expenditure and administration as in the rest of the province. As already stated, the backward tracts are represented in the Council only by one nominated member. Their primitive inhabitants have no affinity whatever with the more advanced population of the plains, and it is impossible to foresee a time when the plains and hills areas will constitute a political entity. Meanwhile there is a growing feeling that the present unreal and anomalous union of the hills and the plains in the Legislative Council is likely to clog the political advance of the plains, and that arguments, such as those which have been discussed in connection with the suggested transfer of the Public Works Department, are likely to be used to bar the grant of further powers to the Council in respect of the area in which a representative system has been created. A section of the Council, which includes one of the Ministers, is therefore in favour of excluding the backward tracts from the Reforms scheme altogether and placing them on the same footing as the neighbouring and similarly situated district which comprises the Chittagong Hill Tracts in Bengal. The other Minister, however, thinks that the Council would probably resent this step as a retrograde measure. The Governor in Council is not prepared to make any recommendation on this question before he has definitely ascertained the views of the Council, but, if an opportunity occurs later for consulting the Council and public opinion generally on the question of changes in the present constitution, this is a matter which might well receive further consideration.

17. The minutes submitted by the Hon'ble Ministers contain various suggestions for alleviating present troubles and discontents. The Governor in Council does not think it necessary to discuss the minutes in detail, but they are of great interest as illustrating the views of those who have had experience not open either to officials or to ordinary non-officials of the working of dyarchy in practice. It will be seen that the Hon'ble Rai Bahadur Promode Chandra Datta, who has held office as Minister for nearly two years, takes a pessimistic view, and considers that unless definite hopes can be held out of the early establishment of full responsible Government, it will be necessary, in order to avoid a deadlock, to revert to the system of Government by a Governor with an enlarged Executive Council on the lines of the scheme submitted by certain heads of provinces to His Excellency the Viceroy in January 1919. This scheme was rejected at the time by the Government of India partly on the ground that it did not sufficiently comply with the policy laid down in the announcement of

August 1917 and partly on account of the risks of deadlock involved. The terms of the announcement of August 1917 have since been embodied in the preamble to the Government of India Act and could only be altered by Parliament, while as to the second objection, it is sufficient to say that a reversion to the scheme which was rejected in 1919 would only intensify the alienation of the Council from the Government, which is the root cause of present difficulties.

18. The Hon'ble Maulavi Syed Muhammad Saadulla has only held office since March and wishes it to be understood that the remarks contained in his minute are of general application and have no reference to any particular incidents which have taken place in Assam during his tenure of office. His remedy is to give Ministers greater independence of the Governor and more authority and more power particularly in matters of finance and in making appointments. It is however difficult to see how the powers of the Governor could be materially curtailed without a radical alteration of the existing constitution. In his remarks about finance the Hon'ble Minister appears to share a somewhat widespread misapprehension as to the functions of the Finance Department. This misunderstanding is largely due to the present financial stringency. When there is no money available, it is the unpleasant duty of the Finance Department to block new schemes involving new expenditure, but if a surplus existed, its allocation would be settled by Government as a whole, and it would soon be realised that the Finance Department has no power to veto expenditure on a scheme which has been approved by Government. If and when a surplus is available, there can be no doubt that the Council and the Ministers will be strong enough to secure the lion's share for the transferred departments. Finally in the matter of appointments, as has been recently pointed out by the Royal Commission on the Superior Services, it has been found necessary in most countries possessing democratic institutions to appoint an impartial outside authority to deal with recruitment to the public services, and it is in this direction rather than in increased centralisation in the local Government that the prospect of maintaining the efficiency of the Civil Services lies.

19. To sum up, the Governor in Council is of opinion that the difficulty of working the existing constitution in the provinces is due mainly to the fact that the expectations of the framers of the Reforms scheme have been falsified in two important respects. A section of public men, considerable enough in numbers and ability to influence the Councils, is actively hostile to the present constitution and declines to work it as reasonable men in a reasonable spirit ; while the financial difficulties of local Governments preclude them from undertaking any activities other than carrying out essential administrative functions on the lines which existed before the introduction of the Reforms. These two factors react one upon the other. The party which is out to wreck the existing constitution tells the electors that they have derived no benefit from the Reforms, and as matters stand Ministers and their supporters have no convincing reply to give. The majority of the electors are incapable of taking long views or of appreciating the importance of the work done by Ministers in carrying out the ordinary administration or the value of the training in public affairs which is thus afforded to Indian politicians. If the men who are prepared to work the Reforms in a reasonable spirit are to be given a fair chance, it is essential that Ministers should be placed in a position to carry

out schemes of public utility, which will enable them to consolidate their position with the electorate and to meet their opponents with confidence. The first requisite is an earnest attempt to readjust the provincial financial settlements with this end in view. If this fails, palliatives like the transfer of further subjects will have little effect in improving the situation. The constitution will continue to function in an atmosphere of growing friction and hostility, resulting probably in a deadlock and at any rate affording no opportunities to Indian public men of showing their fitness to be entrusted with greater responsibilities. But with an improvement in the financial position of local Governments, there is a reasonable prospect, at least in Assam, that reasonable men prepared to work the constitution in a reasonable spirit would command a majority in the Council and would in due course be able to justify a further substantial advance in the realisation of responsible government.

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## MINUTE BY THE HON'BLE RAI BAHADUR PROMODE CHANDRA DATTA, MINISTER, ASSAM.

The purpose of the enquiry started by the Government of India seems to be to see if dyarchy can be made acceptable to the people by any change in the rules under the Act or by such changes in the detailed provisions of the Act as will not fundamentally affect the Constitution itself. It is therefore necessary to find out what may be the reasons which have made dyarchy so unpopular.

I would state at the outset that I do not personally consider dyarchy unworkable. Given the goodwill of all concerned—the Governor, the Executive Council, the Ministers and the Legislative Council—it has possibilities in the direction contemplated by the authors of the scheme. Within the limits set to it it has indeed not been barren of results. Those who see no saving grace in it must have pitched their expectations too high. It need not be disputed however that the progress has been too slow and imperceptible to arouse any very great enthusiasm.

It will be remembered that when the actual Reforms were announced a section of the people pronounced them as inadequate and unsatisfactory. Self-determination, of which a fetish was made during the late war, had fired their imagination and they had expected that it would be conceded to the Indians. But the Government of India Act laid down that responsible Government was to be reached by successive stages *only* of which again Parliament was to be the *sole* judge. This made them suspicious and from the very beginning they took up a hostile attitude towards the Reforms.

Another section however agreed to give the Reforms a trial and ranged themselves on the side of the Government. Unfortunately for the country the Reformed Government began its career at a time when India with the rest of the world was faced with a financial crisis. Far from being able to achieve anything to catch the popular imagination the Ministers could get barely enough to enable them even to carry on and the anticipations of the pro-Reforms party were not realised.

Dyarchy has not had a fair trial chiefly owing to the opposition of a section of the people and the financial handicap:

That dyarchy is unpopular is beyond dispute. Few have a good word for it now. The reasons which have contributed to this result may be summarised as follows :—

(1) The Reforms have added to the cost of the administration without conferring any tangible benefit on the people while their economic difficulties are daily increasing.

(2) The Ministers are appointed and liable to be dismissed by the Governor. There is therefore the suspicion in the public mind that they can have no independence.

(3) This suspicion is deepened by the fact that the Governor has the right to veto any action that a Minister may propose to take and further that secrecy has to be observed in regard to the Minister's acts for administrative reasons.

(4) Then there are the Services over which the Ministers have little or no control. Their appointment and dismissal rest with outside authorities. The Ministers have to accept them as their agents even against their will.

(5) The Secretaries and the Heads of Departments have the right to approach the Governor over the heads of the Ministers. This is regarded as a device to keep the Ministers straight.

(6) Financial arrangements are unsatisfactory. In this respect the Ministers are believed to be at the mercy of the Governor and it is complained that the transferred departments are deliberately starved.

(7) The powers of the Council are illusory because the Governor has the power of certification, a power which has often been exercised.

(8) The resolutions of the Council are mere recommendations which are seldom accepted by the Governor.

(9) Although the budget estimates are submitted to the vote of the Council a very large amount is shown as non-votable.

(10) Ministers are not allowed to oppose a Government measure in Council by speech or vote while they can so support it if they choose.

(11) To all appearances the Government of the country is going on much the same as before in spite of the Reforms. The Ministers have given no evidence of possession of any real power.

I think much of the misunderstanding arises from the fact that the people fail to appreciate that dyarchy is meant as a stage and that the responsibility given to the Ministers in regard to the transferred subjects is not absolute but subject to considerable checks. When I hear people mentioning our Ministers in the same breath with His Majesty's Ministers in England I almost regret the use of that word in relation to the former. The people expect to see in our Ministers the same powers as are exercised by British Ministers. To the lay mind a Minister is a *Mantri*, an advisor of the King, and the Government does nothing except with his advice. It is for this reason that things have been set down to my credit for which I had absolutely no responsibility. The object of dyarchy is to keep the responsibility of the Ministers distinct from that of the Executive Councillors

in respect of their respective subjects. But this idea of division of responsibility is not understood by the ordinary people and the Ministers are held responsible for the acts of the whole Government.

Then there is the regrettable fact that there is a widespread suspicion in the public mind as to the intentions of the British Parliament. It is openly stated that the Parliament wishes to postpone full responsible government indefinitely and that the British officials out here who hold the power in their hands must naturally be working to that end. From my experience as a Minister I do not find any ground for that suspicion. The policy of the Parliament as reflected in the Government of India Act may err on the side of caution—there may be here and there British officials not well disposed towards the Reforms—but the intention of the Parliament is clear and the general body of British officials are loyal to the new order of things. The suspicion seems to be the offspring of impatience. Even men like Mr. Sastri and Sir Tej Bahadur Sapru have lost patience.

I am afraid dyarchy has little chance so long as the present temper of the people continues. The goodwill of the predominant partner, namely, the Legislative Council, which is essential to its successful working, is wanting. The new party who now hold the field are frankly out to wreck it and have got into the Council in large numbers to strike at it from within. They would either have full responsible government or make trouble, and if the object of the present enquiry is to satisfy them by anything that can possibly be done under the Act, I am afraid the attempt has in it all the elements that make for failure.

It has been suggested that the Council might be given the power to elect their own Ministers, that the veto of the Governor might be removed and that the Ministers might be given the option of selecting and appointing their own agents. These are far-reaching changes and may indeed ease the situation for a time provided at the same time the number of the reserved subjects is reduced to the absolute minimum and satisfactory financial arrangements are made. But apart from their inherent difficulties these suggestions cannot be given effect to without a change in the Government of India Act. The provisions regarding the nomination of Ministers by the Governor and the latter's right of veto must be repealed. The Instrument of Instructions might indeed provide that the Governor shall accept the Council's nomination and refrain from interfering with the Ministers under any circumstances but that would be opposed to the spirit of the Act. The provision that the Governor acting with the Minister shall administer the transferred subjects must also be repealed and the Governor freed from all responsibility for them. Along with this will necessarily go the responsibility which the Act places on the Parliament for the good government of this country. I do not think such fundamental changes can be made without an amendment of the Act itself.

Others have suggested that the situation might improve if more subjects were transferred to the control of the Ministers and they were given a separate purse. It is possible to do so within the Act. But they will be mere palliatives and hardly command general satisfaction. Mere addition to the number of transferred subjects will not carry us very far without a radical change in the position and powers of the Ministers and the separate purse was opposed by the Indian Public on grounds which have lost none of their force.

To me it seems that in the present temper of the people nothing short of full responsible government in the provinces or at least a sure prospect of its early attainment will placate them. Such a demand is being voiced from all platforms. Their methods are indeed different but the objective is the same—call them Moderates, Liberals, Swarajists or Congressmen.

It is not within the scope of the enquiry to suggest any line of advance not contemplated in the Government of India Act. But as the enquiry is a preliminary one I would take the liberty to suggest that with a view to remove the suspicion that exists in the public mind as to the intentions of the Parliament, the Preamble of the Act might be so altered as to declare that India shall get responsible government within a definite period of time subject to such reservations as may be found absolutely essential. The public fear will be allayed if preparations are immediately taken in hand with the view of handing over the reins of Government to Indians within a reasonable period. I can well anticipate the objections to such a course but now that full responsible government has been promised to India I do not think it can be withheld from her much longer without arousing the bitterest opposition and discontent.

If the Parliament is however not willing to commit itself to a time-limit the only alternative left to it would seem to be to revert to the Council form of Government with such modifications as may be necessary consistently with the declaration of 20th August 1917. I will not elaborate this point but would invite attention to the minute presented by certain Heads of provinces to Lord Chelmsford on January 15, 1919. In one sense this will be a retrograde step but the administration has to be carried on. Dyarchy will lead to deadlocks as in the Central Provinces or in Bengal. The position of Ministers is unenviable. All the fury of the new party is directed against them. For without them there can be no dyarchy and every possible tactics will be adopted to drive them out of office. Under such conditions no self-respecting person can agree to accept office. Nor is the position of the Governor much better although he is secure as regards his salary and tenure of office. He will have to use his power of certification constantly if the administration is not to be brought to a stand-still.

It may be said that in six out of the eight provinces dyarchy is yet working. This is true in the sense that no deadlocks have yet been reached in those provinces. But the feeling against it is there all the same, and in every province the attempt is to inflict defeats on the Government irrespective of the merits of the questions under discussion. The Legislative Council instead of being a friendly body is distinctly hostile and disclaims all responsibility for the administration of the province. There is therefore no reason to treat the provinces where deadlocks have been created differently from those where deadlocks have been attempted but yet without success. Taking the case of our province as an instance, the Nationalists have frankly stated that they are out to wreck dyarchy—in fact they tabled motions to carry out this threat but not having enough support went in for the next best, *i.e.*, to inflict defeats on Government without any regard to the merits of the questions. His Excellency found himself compelled therefore to freely use his power of certification. This is certainly not working dyarchy. It seems to me that whether dyarchy is to be retained or abolished is a question which has to be decided for all the provinces together. Indeed the letter of the Government of India with regard to the enquiry refers to dyarchy as such and not as applied to any particular province or provinces.

At one time in official circles it was feared that the dual form of Government might lead to friction between the two sides and the anxiety was how to provide against that happening. Experience of the last three years has belied that fear. The complaint is now on the people's side. They say that the two sides have got on only too well to inspire any confidence.

I am aware that the reversion to the Council form of Government will be seized upon as a text for inveighing against the Parliament ; but I do not think the position will be any the worse, while deadlocks will certainly be avoided.

PROMODE CHANDRA DATTA,

*Minister, Assam.*

*The 19th May 1924.*

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## MINUTE BY THE HON'BLE MAULAVI SYED MUHAMMAD SAADULLA, MINISTER, ASSAM.

The question of finding out defects in the working of the present Reforms and suggesting remedies therefor presents to me but an academic interest for my experience of its actual working is limited to only a few months and I have not seen up till now the preparation of a Budget which to me appears to be the crucial test of the efficiency or workability of the present system of Government. My remarks will, therefore, be very general and I hope they will be taken not to apply to any particular incident of my short tenure.

2. From the statement of Sir Malcolm Hailey in the Legislative Assembly it appears that the Government of India want to improve the present system and that too by limiting themselves within the Government of India Act. If my remarks are to be confined within the sections of the Government of India Act, or, in other words, if the present constitution is to remain as it is, then there is hardly any scope for making suggestions.

3. The position of Ministers under the present system is one of great delicacy and difficulty. The Minister is to be appointed by the Governor and dismissed by him, but his pay is to be fixed by the Legislative Council. Therefore he seems to be under two cross fires and must please both his masters—the Governor and the Council. To add to this embarrassment there is the convention that he cannot betray the Government and speak out his mind in the open Council even on subjects in connection with which he has differed from the opinion of the majority of the Government. The present mood of the Indian people is for reforms and more reforms. They see that the cost of administration has increased a great deal since the introduction of the Reforms and they naturally think of economy, and under the present law their representatives can only touch the salaries of the Ministers alone and practically none else.

4. The financial stringency of the times is also responsible for the discomfiture of the Ministers. People at large think that no benefit has been derived by these Reforms as the Ministers cannot initiate any new policy nor see it carried through unless and until the Finance Department agrees to it, and the result is postponement to spacious days to come. The intelligent section of the people discern at once

that unless any scheme of advancement is blessed by Finance the Ministers are helpless to effect any development which meets with the wishes of the people. Therefore, they too have very little of commendation for the Ministers. The limitations of the authority of the Ministers are not restricted to finance alone. The Minister has to give due and weighty consideration to the recommendations of the Heads of Departments and of the Secretaries, while on the other hand the Minister is subject to the general control of the Governor, and the Governor is not bound to follow the advice of his Ministers.—(*Cf.* section 52, clause 3 of the Government of India Act).

5. In my opinion so long as the constitution remains a dual one, *i.e.*, Governor with the Executive Council and Governor with Ministers administering reserved and transferred departments, there will be vigorous criticism of the present system. The power of certification in case of reserved subjects which the Governor possesses in regard to cuts by the Council also is an eye-sore to the general public and in it also people see a differentiation between the reserved and transferred subjects. If any advance is to be made in the present constitution, there ought to be only one form of Government, that is the Governor and Ministers alone and all subjects should be treated alike. If the Governor is to administer the Province with the help of the Ministers alone it could be provided that at least one of the Ministers should be a Government officer to be elected or selected out of the Government officials in the Council. The other Ministers may be left to be elected by the Council. All subjects will be transferred subjects and there should be no power of veto by the Governor except in extreme cases of failure of administration. If there must needs be an Executive Council as at present, it should be provided that two-thirds or three-fourths of the Members should be elected by the representatives of the people and the rest by direct appointment from the Services and all the Members to be on the same footing, then there can be no criticism that the constitution does not represent the people or that the Members are not responsible to the Council.

6. The present system of joint deliberation between Members of the Executive Council and the Ministers though in effect a very good one is apt to obscure responsibilities. As a matter of fact I have heard criticisms that the Ministers have got no responsibility and that they merely submit to the dictates of the Members of the Executive Council. This may not be a fact but it is the general impression outside. As the Ministers are really to work as the *via media* between the Government and the people, the people must come to appraise their proper position in the Government and this could only be done by apportioning to them proper and demonstrable responsibilities. To my mind this should be arrived at either by giving them a freer hand with the purse or allowing them to work more independently. For the first alternative I would suggest a separate purse as is mentioned in Rule 32 of the Devolution Rules and though it is mentioned therein as an exception, I would like to see it worked as the rule. A portion of the revenue of each head of provincial subjects may be allocated or only a few heads *plus* the legitimate increase may be set apart which may be liberally sufficient to meet the ordinary charges of the transferred departments with a margin for new developments. I am not unaware that this system has been adversely criticised by the authors of the Report of the Indian

Constitutional Reforms, yet failing other alternatives this system may be given a trial at least for three years.

Now, as regards the second alternative, that is, giving more independence to the Ministers : the Governor should be left with no choice of refusing the recommendations of the Ministers except in very extreme cases such as when the administration is jeopardised by their recommendation or when to adhere to the policy advocated by the Minister will lead to financial embarrassment and ruin. If possible, Ministers should be freed from the veto of the Finance Department and they should be allowed freely to express their views in the discussion of the Council. This will greatly ingratiate them with the Council which is the desideratum as expressed by His Excellency in his excellent exposition of the state of affairs.

7. In short, to work the present system to success the Ministers should be given more authority and more power. One unfortunate incident in inaugurating the Reforms is the adoption of the term ' Minister '. To the Indian mind this word at once conjures up a world of patronage and autocratic power. But the Ministers of the Reforms have neither any patronage nor even any democratic power. He has not the power to appoint even a ministerial officer or a clerk not to speak of higher officers. To make it more explicit the Education Minister has no voice in the appointment of the staff in the Subordinate Educational Service, and as regards the Provincial Service he is, by an unwritten law, bound to follow the advice of the experts of the Department, and for any exercise of his independent judgment he is courteously reminded of his nonentity by the decision of the Governor in the matter. The All-India Service is out of his touch altogether. My humble suggestion is that the Ministers should be empowered to make all appointments in the Subordinate Services, other than the clerical and menial staff, in the Departments under his charge and the Provincial Service should be filled on his recommendation by the Governor irrespective of the choice of the Head of the Department, *i.e.*, in those cases in which the recommendations of the Minister and the Head of the Department are contradictory, preference be given by the Governor to the opinion of the Minister, and his recommendations accepted. This will to a large extent visualise his power to the public at large. In India, as everywhere else, money marks the man, and the public ignores the man with less pay in presence of the one with higher salary. Moreover it is galling to one's feeling to do the same work with less pay. Such is the case of Ministers in the present system. Their pay and status must be made the same with the other Members of the Government and the laws and rules to apply to both sides of the Government ought to be the same. It is curious to note—and it emphasises the difference between an Executive Councillor and a Minister—that whereas provision is made in Part VII, Sections 86, 87 of the Government of India Act for leave and pay for absence from duty so far as Members of the Executive Council are concerned, no mention is made of Ministers and no such provision allowed for them in the whole Act.

8. The representatives of the people in the Assembly got a resolution passed for taking steps to grant responsible Government at an early date. Such a resolution was also moved and carried in our Council. Another resolution recommending to Government the transfer of some more

subjects from the reserved to the transferred side of Government was similarly moved and adopted by the Council. I think to meet the ends of justice, the Government should satisfy the legitimate wishes of the people as far as it is possible to do so without detriment to the efficiency or convenience of the Administration. I do not see why in Assam, Fisheries, Excise and Public Works should not be transferred subjects ; nay, I would like to go one step further and say that it is necessary as a further instalment of reforms that these subjects be transferred now. The mere transfer of Fisheries will be adding insult to injury, for the Department of Fisheries has come under the ban of the Retrenchment Committee and there will be nothing to do except the collection of revenue if this department be transferred.

9. So far as Excise is concerned the intentions of Government and the people are the same. Both are moving for temperance and final prohibition of the vending of excisable articles. It need not be feared that as soon as this department is transferred to the hands of the people's representatives they will set about the stoppage of the revenue with alarming speed so as to seriously embarrass the Administration. We have the example of our neighbouring provinces where no such dire results have arisen in spite of the fact that the Bengal Minister who is a pious Muhammadan Haji declared in an open meeting that it was the hand of Providence that had placed Excise in his charge.

10. I advocate the transfer of the Public Works Department on two grounds. We have handed over to two Local Boards the duties of the Public Works Department so far as roadways are concerned. That means that we are relying upon the Local Boards which under the Reforms are to a certain extent free from official control, for the proper discharge of duties which so long were performed by the Public Works Department. If non-official Chairmen could be entrusted with these duties I do not see why similar duties could not be performed by a popular Minister. My second reason for this suggestion is that this is by far one of the most money-spending departments of Government and often times criticisms in the Council are levelled against the working of this department. If this department comes under the Minister's charge it may be that the criticisms will become rare. Very often it is said that the Public Works Department cannot be transferred to the popular control in view of the fact that their officers are required to supervise buildings and construct roads even in the ' backward tracts ' and that is why this department should be in the hands of the Governor who is primarily responsible for the administration of the tracts under the Council, as well as the so-called backward tracts. I do not think that this objection is insuperable for even in such a well-known transferred department as Education we have European Education reserved and in charge of the Governor, while General Education is in charge of a Minister. Similarly in the Public Works Department we could have a reserved section for the backward tracts and the general section transferred to the Minister's control.

SYED MUHAMMAD SAADULLA,

*Dated the 15th May 1924.* *Minister, Assam.*

*The 2nd May 1924.*

## COMMUNIQUE BY THE FINANCE DEPARTMENT OF THE GOVERNMENT OF ASSAM.

His Excellency the Governor has passed the following orders in regard to the demands on account of the provincial budget estimates for 1924-25, which were refused or reduced by the Legislative Council on the 1st, 2nd and 3rd April 1924. The items were as follows :—

(1) Demands of Rs. 5,760 and Rs. 2,800 on account of the salaries and travelling allowance of four Superintendents of Grazing were refused.

The decision of the Council has been accepted, and notices of discharge have been issued to these officers and to their menial staff. As, however, they are entitled to three months' notice, or pay in lieu of notice, His Excellency has decided, in view of the hardship which would be caused by the delay involved in submitting a modified demand to the Council, to restore the amount required to cover these dues, less the amount saved by discharge of the menial staff whose pay was voted by the Council.

(2) A demand of Rs. 1,666 for the establishment of the Lady Assistant, Court of Wards, was refused.

This demand was included in the budget estimates through oversight and the decision of the Council has been accepted.

(3) A demand of Rs. 1,91,750 on account of Settlement Operations was reduced by Rs. 1,41,000.

The mover of the reduction stated that it was not his desire to stop settlement operations abruptly or to postpone the resettlement of the Assam Valley districts indefinitely, but that the immediate effect of the reduction would be that the work of resettlement would proceed at a slower pace or would be temporarily wound up, to be resumed again if necessary when better time comes and some progress has been made in the direction of codifying the land revenue regulations. Other speakers in support of the motion took the same view, and it is clear that the opinion of the Council as a whole was definitely against making the existing settlements permanent. It is, therefore, only a postponement of the resettlement operations that has been urged, and His Excellency, after full enquiries, is satisfied that this course would be uneconomical and unsatisfactory. It would entail the loss of the greater part of the work which has been done during the past season, and delay in revising the settlements whose term is about to expire is bound ultimately to increase the difficulties and cost of the operations ; while a reduction of the pace at which the work is proceeding would necessarily prolong the inconvenience and uncertainty which must, to some extent, be caused to the raiyats by these operations, and would add considerably to the expense, since it would not be possible

to reduce proportionately the supervising staff. A Committee has been appointed to consider the amendment of the land revenue regulations relating to settlement operations, and their conclusions should be available for the consideration of Government and of the Council long before the reassessment proposals come up for consideration. His Excellency is of opinion that in the interests both of the province and of the raiyats, the resettlement of the districts of the Assam Valley as they fall due is an administrative necessity of high urgency, and he has therefore certified that the expenditure provided for by this demand is essential to the discharge of his responsibility for the subject of the land revenue.

(4) A demand of Rs. 1,84,345 on account of Excise was reduced by Rs. 65,000.

The items affected by this reduction include the salaries of Superintendents of Excise, the pay of the establishment, the allowances of officers and establishment and excise charges falling under the head "Supplies and Services." The original motion to reduce the demand by Rs. 1,31,000, if accepted, would have resulted in the total abolition of the preventive staff, but it is clear that this was not the intention of the Council. On the contrary, most of the speakers urged upon Government the necessity of pursuing with greater vigour their policy of restricting supplies of excisable articles. The subsequent amendment to reduce the demand by Rs. 65,000 only, had the result of clouding the issue to some extent, and some members appear to have supported it as a protest against the Excise policy of Government, while others expressed a desire for a transfer of the preventive and inspecting functions of the Department to the Police. An experiment on these lines has been introduced recently in two districts, but it has not been in operation long enough to enable Government to decide whether its general extension could be effected without sacrificing the success which has already been obtained in reducing consumption. The matter will be further considered after further experience has been gained, but in any case such a change would necessitate an addition to the Police establishment, for which no provision has been made in the current year's budget and a reduction of the Excise staff without a corresponding addition to the Police could only result in a set back to the policy which the Council desire to see pressed more vigorously. His Excellency has therefore certified that the expenditure provided for by the portion of the demand which was refused is essential to the discharge of his responsibility for the subject.

(5) A demand of Rs. 84,000 on account of Ministers' salaries under the head "General Administration" was reduced by Rs. 48,000.

Under section 52 (1) of the Government of India Act, the decision of the Council in regard to this matter is final.

(6) A demand of Rs. 15,400 for the maintenance of the steam launch " Kestrel " was reduced by Rs. 10,000,

In accordance with the decision of the Council, steps are being taken to sell the launch, and notice of discharge has ben issued to the crew.

(7) A demand of Rs. 93,160 on account of the establishment of Commissioners was reduced by Rs. 1,000.

This nominal reduction was made in order to indicate the opinion of the Council that the post of Commissioner should be abolished, a matter which is under the consideration of the higher authorities with whom the decision rests. His Excellency has passed no orders in regard to the reduction, and Commissioners have been directed to give effect to it by economies in their expenditure.

(8) A sum of Rs. 36,600 on account of salaries of Deputy Superintendents of Police was refused.

The absence of provision for this expenditure would necessitate the discharge of eight officers or their transfer or reversion to other posts. Government last year announced their intention to make no further permanent appointments to the Provincial Police Service pending the receipt of the Report of the Royal Commission on the Public Services, in which the position and functions of the provincial and all-Indian services will be reviewed. It is expected that a decision on that question will be arrived at during the current year, and in the meantime it would be premature to make radical alterations in the organisation of the Police Department. Hasty changes, which might have to be reserved within a few months, could only lead to inefficiency and unnecessary expense. His Excellency has accordingly certified that the expenditure provided for by this demand is essential to the discharge of his responsibility for the subject.

(9) A demand of Rs. 2,200 on account of rewards to Chaukidari Panchayats and contributions to the District Chaukidari Fund was refused.

The decision of the Council has been accepted, and these rewards and contributions will no longer be paid.

(10) A demand of Rs. 16,270 for the purchase of a saloon for the Superintendent of Railway Police was refused.

It was explained in the course of the debate that the headquarters of the Superintendent of Railway Police have till recently been at Chittagong, where he was able to obtain the use of a special carriage through the courtsey of the authorities of the Assam-Bengal Railway, to which railway his jurisdiction was confined. He has now, in consequence of a general reorganisation of the Railway Police system throughout India, been given jurisdiction over all the Railway systems within the province, including the Eastern-Bengal Railway which was formerly under the Superintendent of Railway Police

in Bengal. The headquarters of the Superintendent have been removed to Gauhati, where it is impossible for the arrangements which held good at Chittagong to be made, and, moreover, the Government of India decided in connection with the reorganisation of the Railway Police that a carriage for the Superintendent should be provided by Government, the railway administrations providing haulage free. The Superintendent's main work is to travel up and down the various railways investigating crime and supervising the work of his subordinates. It was essential for the proper discharge of these duties that he should have a carriage in which he can live and do his work, and which can be detached at any wayside station which it may be necessary for him to visit. If he had no carriage of his own, it would be necessary to hire a special carriage on most occasions, an arrangement which would ultimately be much more expensive than that now proposed. For these reasons, His Excellency has certified that the expenditure provided for by this demand is essential to the discharge of his responsibility for the subject.

(11) A demand of Rs. 17,600 on account of Assam allowance for the Assam Engineering Service and for those members of the Indian Service of Engineers whose salary is votable, was refused.

His Excellency has passed no order in regard to this demand, and the allowances sanctioned by the Secretary of State for members of the Indian Service of Engineers appointed by the Secretary of State in Council will cease to be drawn by members of that service who were not so appointed and by officers of the Assam Engineering Service.

H. G. DENNEHY,

*Offg. Chief Secretary to the Government of Assam.*

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*Extract from the Assam Legislative Council Debates.*

(MARCH AND APRIL SESSION, 1924.)

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**Inclusion of Forests, Public Works, Excise and Fishery among transferred subjects.**

SRIJUT SADANANDA DOWERAH :—Sir, yesterday we had a full dress debate on the resolution moved by my hon. friend, Maulavi Faiznur Ali. We heard the speeches delivered by several speakers from the Government benches, also from the non-official benches. There was one consensus of opinion that full responsible Government or provincial autonomy is our common goal. The Hon'ble Leader of the House was very pleased to express his sympathy with the popular aspiration towards that goal. He has expressed his sympathy, and sympathy of the Government which he represents in this House. If I understood him aright, Sir, he

also said that if we want to move a step towards that goal within the limits of the Government of India Act he was prepared to meet us, lead us towards that goal. I remember to have heard that he also expressed a wish that he wanted to see Assam among the most advanced provinces in India. In the resolution, Sir, which I am about to move before this House I give him the opportunity of demonstrating that sympathy with the popular aspirations. Sir, no such assurance of sympathy with our aspirations was needed from him, knowing him as we do for years. I have known him, Sir, as a school boy, I have known him up to this day. Sir, we consider him as one of ourselves and we hope and I hope that this hope will not end in disappointment that he will not hesitate to take us towards that goal within the corners of the Government of India Act. I have already stated, Sir, that I think I am entitled to some thanks from him for giving him this golden opportunity for demonstrating his sympathy, for popular aspirations and I take it he would lead us towards self-government. Sir, what is my resolution. My resolution is that the subjects of Forests, Public Works Department, Excise and Fishery be made transferred subjects. This is my resolution, of course, pending the establishment (that is understood) of full responsible government.

THE HON'BLE MR. W. J. REID :—Will the hon. member kindly read his resolution ? I think our rules provide that the hon. mover shall begin by reading his resolution.

SRIJUT SADANANDA DOWERAH :—Yesterday when my friend, Maulavi Faiznur Ali, moved his resolution, the hon. member asked him what was the motive which prompted him to move the resolution. Now, Sir, when I am going to explain the motive of my resolution he rises to a point of order. But let me go on first and I will move my resolution at the end. Now, Sir, these subjects with the exception of Forests are transferred subjects in all the provinces of India except Assam. And Forest is a transferred subject in Bombay only.

MAULAVI ABDUL HAMID :—I also rise, Sir, to a point of order. Perhaps the hon. mover is to move the resolution. I think if any member wants any mover to move his resolution, he shall have to move the resolution.

SRIJUT SADANANDA DOWERAH :—I may be permitted to go on, Sir.

THE HON'BLE PRESIDENT :—According to Standing Order 62 it is provided that the resolution should be read first.

SRIJUT SADANANDA DOWERAH :—I bow to your ruling and read the resolution :—

*This Council recommends to the Government that necessary steps may be taken for the inclusion of Forests, Public Works Department, Excise and Fishery among the transferred subjects at an early date.*

Sir, we never accepted the cogency of reasons which were advanced for excluding these three subjects—Public Works Department, Excise and Fishery, from the list of the transferred subjects—in Assam as was done in the case of other provinces. We hold, Sir, there is no reason whatsoever, no cogent reason, why Forest also could not be administered by a Minister. As regards Public Works Department, Excise and Fishery, I do not think any argument is required to convince this House that these subjects should be transferred considering that they are transferred

subjects in the whole of India. Sir, I had to say yesterday somewhat to the displeasure of some hon. members that considering all circumstances dyarchy has worked splendidly in Assam and I was supported by the Hon'ble Finance Member in this. His Excellency the Governor has endorsed my view. If the Ministers have worked well in the other departments, what is there to prevent them from administering these subjects with equal success ? It may be urged that if Excise is administered by a popular Minister the revenue will fast disappear. I beg to differ from that view. My friend Rev. Nichols-Roy is a temperance leader. Make him a Minister. You will see how he will scratch his head when faced with deficit. So, Sir, I would say that there is no fear in handing over the Excise Department to a Minister.

The Public Works Department and Fishery do not require any comment.

As to the forest probably it will be said that forest is a valuable asset belonging to Government and requires expert knowledge to handle it. But, Sir, I submit, has the member in charge of this subject got any expert knowledge ? Is he not depending upon the expert advice ? Will the same expert advice be denied to a Minister ? Sir, I have tried to understand the matter from every point of view, but I have failed. Sir, let us see what the members in charge are doing for the Forest Department. I take one instance. Let us take the industry of *lac* cultivation. In the Central Provinces what they are doing ? They are spending money for the improvement of *lac* cultivation by thousands of rupees. They have got their brooding firms where experiments are made and the *lac* exported from the Central Provinces and I believe from Bihar and Orissa is vastly superior in quality to that which is produced from this province. What the Government is doing in this department although it is presided over by a member in charge ? I do not know whether the Leader of the House will oppose the resolution or not and if he opposes the resolution, what is his reason ? He has certainly some reasons. Probably he will think that the Minister being new to the office will find it difficult to administer the department. But I think, Sir, with the assistance of the expert he will be able to carry on.

I understand that *lac* worth about Rs. 50 lakhs was exported from this province in the last year, and the Government realised about a lakh of rupees in export duty. But has the Government spent even a single pice for improving the quality of *lac* which is of very inferior quality in Assam ? If this is the way in which Forest Department is now being administered, I do not see why it could not be transferred. Sir, I wanted to amend this resolution by adding a few words, *viz.*, adding the words "pending the establishment of full responsible Government in Assam." And my reasons are these.....

HON'BLE MR. W. J. REID :—I am afraid, Sir, that the hon. member cannot enter into reasons for what he wanted to do but has not done.

SRIJUT SADANANDA DOWERAH :—Well, Sir, I wanted to amend the resolution.....

THE HON'BLE MR. W. J. REID :—Sir, I must object to any alteration in the resolution at this stage.

SRIJUT SADANANDA DOWERAH :—I take it that probably I shall even have the permission to amend the resolution. I want to amend the resolution by a few words.....

THE HON'BLE MR. W. J. REID :—I am afraid, Sir, I cannot agree.

SRIJUT SADANANDA DOWERAH :—I want to amend it by adding a few words.

THE HON'BLE MR. W. J. REID :—I am afraid, Sir, I cannot agree.

SRIJUT SADANANDA DOWERAH :—I take it that the rest of the House generally agree.

THE HON'BLE THE PRESIDENT :—We must observe the Rules and Regulations.

SRIJUT SADANANDA DOWERAH :—I will obtain your ruling to amend the resolution. And what is the harm in amending my resolution. You allowed Mr. Phukan to do so.

THE HON'BLE MR. W. J. REID :—I rise, Sir, on a point of order. I think our Rules provide—Secretary will correct me if I am wrong—that if the Member in Charge accepts the amendment it may be allowed. It is not only the Member in Charge ; any member may object to a resolution being amended at the last moment.

THE HON'BLE THE PRESIDENT :—The Member in Charge is objecting so I cannot allow it. I allowed Mr. Phukan because the Member in Charge did not object.

MAULVI FAIZNUR ALI :—Sir, may I interrupt at this moment ? Rule 65 of the Standing Orders reads thus :—If a copy of such amendment has not been sent to the Secretary two clear days before the day fixed for the discussion of the resolution, any Member may object to the moving of the amendment and such objections shall prevail, unless the President in exercise of his power to suspend this order allow the amendment to be moved. So it is not a fact that because it is objected to by the Member in Charge it should automatically be rejected. The President has the discretion.

THE HON'BLE THE PRESIDENT :—I have already given my ruling and I do not like to change it.

SRIJUT SADANANDA DOWERAH :—I bow to the ruling of the Chair. I have always bowed to the ruling of the Chair.

Sir, I wanted to move this resolution as amended, but I have not been allowed to do so. I did not ask something which would sink the province into a state of anarchy and chaos. I only wanted to amend this resolution to make it consistent with the one adopted yesterday regarding establishment of full provincial autonomy. But, Sir, I find I cannot do so. I am afraid I may have to withdraw the resolution.

THE HON'BLE MR. W. J. REID :—Am I to understand, Sir, that the hon. member wishes to withdraw his resolution ?

SRIJUT SADANANDA DOWERAH :—I did not see the resolution as moved by Maulavi Faiznur Ali which was carried yesterday after a great deal of debate before I sent the present resolution. But as my amendment has been disallowed I find it somewhat difficult to move it. However, Sir, considering all the circumstances I move the resolution as it is—although it will not be somewhat consistent with the one carried. I move this resolution that these subjects should be transferred and my ground is that there is no reason why they should not be transferred. If

these subjects can be administered by Members in Charge they can as well be administered by a Minister in Charge. If the Government cannot see its way to accept this resolution I do not know, Sir, how we shall interpret such refusal. If the Leader of the House is anxious to lead us towards self-government this is in effect what we are asking. This can be done with some correspondence with the Government of India and the Secretary of State for India in Council. This is the object of the Government of India Act and I am asking only for a step in this direction and not for anything that will bring anarchy and chaos in Assam. I reserve the right to reply.

THE HON'BLE MR. W. J. REID :—The hon. mover began, Sir, with certain personal remarks which I greatly appreciated, and so it was with sincere regret that I had to object to his amendment. I owe it to him, I owe it to the Council, to make it clear why I did object to it. The Council yesterday adopted a resolution the precise effect of which I could not then see, the precise effect of which is still a complete mystery to me. I am not going to take the Council through the debate again. I do not want to bring the party question in if it can be helped, but we have in the House according to yesterday's debate two parties. I presume that each party has a policy but I have heard no declaration of policy from either party. I read in the papers that one party is going to make certain demands on Government, and that if these are rejected it is going to undertake certain steps. Well, Sir, I have received no demands and no indication of what these demands are. In common justice the Council have a right to know what these demands are which have never been presented to me. For in these matters let us have a clear issue. Yesterday an hon. member told us that he was the leader of the Swaraj party, that he was the leader also for the time being of the Nationalist party. I do not even know what are the aims of the Swaraj party. I shall be very glad to know. I am anxious to do no injustice, so following an inconvenient habit which I began yesterday, ask one very plain question. Is the Swaraj party the same party that was known as the non-co-operation party, and if so, have the members come here to make an end of the Government, to destroy this Council, to obstruct throughout ? (A pause.)

I should be grateful for a reply. If I have done an injustice in thus describing their aims I shall very gladly apologise. (A pause.)

Very well, Sir, I take it then that these are the aims with which this party have come to the Council. Seated with them are certain members not of their party who I believe style themselves the Nationalist party. What their aims are I do not know, what their creed is I do not know, what their demands are, I do not know. All I know, this we have all seen, is that if a suggestion is put before the Council and the members of the Nationalist party support it and are in agreement with it all the members of the Swaraj party, whose avowed object is to make an end of the Government, to make the working of the Council impossible, also support it.

MAULVI FAIZNUR ALI :—Sir, I rise to a point of order. The Finance Member is not right. They party question does not at all come in. The resolution should be taken on its merits. With parties we have nothing to do here.

BABU BRAJENDRA NARAYAN CHAUDHURI :—The resolution stands on its own merits. The hon. mover has given his reason. Let replies be given to them.

THE HON'BLE MR. W. J. REID :—I am in your hands, Sir, but I

submit that the hon. mover told us that his action was largely affected by the resolution moved yesterday. There are at least two parties in this House and I think we are entitled, the Council are entitled, to know what the creeds of these parties are.

BABU BRAJENDRA NARAYAN CHAUDHURI :—It has no connection with the resolution.

THE HON'BLE MR. W. J. REID :—What has consistently happened is that when anything is put before the Council the members of the National party all walk into the lobby with those who are against the Government view. I tried very hard yesterday to find out their creed. I ask now. I do not ask for an immediate answer. The Council surely have a right to demand to know. What are these parties and what they have come here for ? I in my experience have never heard of one.....

BABU BRAJENDRA NARAYAN CHAUDHURI :—Will the hon. member kindly allow me to say a few words ? The resolution yesterday was put forward by Maulavi Faiznur Ali as an individual member. That he said definitely yesterday. Almost all the elected members supported that resolution without any party feeling. I want the Hon. Member to take note of that. And during the debates it was made clear that the resolution wanted to abolish dyarchy. This was mentioned in the beginning of his speech and I brought that point clearly out by asking my friend Mr. Dowerah whether he agreed to abolish dyarchy or not. I think the point is perfectly clear.

THE HON'BLE MR. W. J. REID :—I must be dense of understanding but everything is still dark to me. It is true that Maulavi Faiznur Ali said that he moved this resolution as a private member and not as the leader of any party. He also said that there was nothing behind the resolution, but I found that some members went into one lobby because they believed that this resolution would end dyarchy as the hon. members has just said, while others went into the same lobby because they believed in dyarchy and were convinced that by accepting this resolution they were not making an and of it.

BABU BRAJENDRA NARAYAN CHAUDHURI :—Who were they ?

THE HON'BLE MR. W. J. REID :—I am prepared to give chapter and verse later if necessary, but surely I heard my hon. friend Mr. Dowerah say that he was a believer in dyarchy.

BABU BRAJENDRA NARAYAN CHAUDHURI :—I do not think he did.

THE HON'BLE MR. W. J. REID :—I may be mistaken, but I certainly took him to be a member who still believed in dyarchy and supported the resolution because he believed that by doing so he was not making an end of dyarchy.

MR. SADANANDA DOWERAI :—I am still a believer in dyarchy.

THE HON'BLE MR. W. J. REID :—I was sure of this. I can only say again that everything is in the deepest mist. I do not know where I stand. Sir, on the resolution apart from the proposed amendment I propose to reply very briefly. To my hon. friend Mr. Dowerah any explanation that I can give will always be readily available, but to members of parties whose creeds I do not know, of whom I have seen only the manner in which they vote it would be a waste of their time as well as mine to offer explanations.

First of all the hon. mover I think stated correctly that in the matter of these four subjects, in the matter of their distribution into Reserved and Transferred subjects, Assam has been treated rather differently from the rest of India. Forests is a Reserved subject in all other provinces except Bombay and Burma so that in this respect we are in line with most of India. Public Works Department in all Governors' provinces except Assam is a transferred subject as are also Excise and Fisheries. The hon. mover has every right to be told the reasons for this differentiation. I should like first of all to say that the classification under which we are now working is not one which will endure for all time. I cannot prophecy, I do not wish to, but imagine it to be pretty certain that after the Statutory Committee has reported, when there is a transfer of subjects from the Reserved to the Transferred side in Assam all or at least most of these subjects will undoubtedly be transferred to Ministers. The hon. mover knows that the Joint Select Committee when they reported on the Bill advised that in this period of probation, this transition period, there should be no material change in the distribution of subjects or anything else. That is to say, they recommended, as I urged yesterday, the wisdom of proceeding gradually, of making the most of what we have got. One thing which may interest the Council is that when Lord Southborough's Committee on the division of functions was sitting two members from this province were co-opted in order to deal with the peculiar circumstances of the province. These two members were the late Rai Bahadur Ghanasyam Barua and myself. We discussed the whole question and the decision taken was unanimous. Not only did the Rai Bahadur and myself hold these views but the rest of the Functions Committee also.

There is one consideration mentioned yesterday in another connection to which I must now refer. That is the existence in this province of what are known as "backward tracts." When I have to use this expression I always feel the necessity of apologising to my friend Mr. Nichols-Roy. I need hardly assure him that the expression is a purely technical one. It is not one which in the ordinary acceptance of the term any sane person would apply to the area to which he belongs. But the fact remains that by a notification issued under section 52A of the Government of India Act certain areas were declared to be "backward tracts." These are the Garo Hills district, the British portion of the Khasi and Jaintia Hills other than the Shillong Municipality, the Mikir Hills, the North Cachar Hills, the Naga Hills, the Lushai Hills, the Sadiya Frontier Tract, the Balipara Frontier Tract and the Lakhimpur Frontier Tract. Over all these areas, speaking generally, this Council exercises little or no jurisdiction, that is to say the laws enacted by this Legislature do not apply to these territories unless with the sanction of the Governor of Assam in Council. The chief reason for this is clearly that these areas are not directly represented in this Council. And therefore, Sir, in the distribution between Reserved and Transferred of these different subjects this consideration was necessarily a very prominent one.

And now, to touch briefly on the four subjects in question, our Forest policy and administration are not yet by any means in final form. We have not yet finished creating reserves and demarcating them. We have not yet been able to prepare complete working plans. There are still large areas which have not been opened up, in which in the interests of future generations we must create Reserves and preserve

these. The Department is not a popular one. The restrictions which it is necessary to enforce in the interests of future generations are not always appreciated by the present generation. There can, I conceive, be no question that when other subjects are handed over Forests will also be one of these, but for one thing a considerable portion of our reserved forests lies in these " backward tracts " where as I tried to explain the control of the Governor in Council prevails.

The Public Works Department is on a somewhat different footing. The discussion to-day of Mr. Smiles's motion would I hoped have led us a little further. But roughly in so far as roads, buildings and all other manifestations of the activities of the Public Works Department come under the Local Boards to that extent they automatically come under the control of the Minister in charge of Local Self-Government. If ultimately it is found possible to transfer to the Local Boards a greater and greater portion of these until the transfer is complete, there will remain only the hill roads in the hills and " backward " areas, the main communications in areas where for one thing there are no Local Boards. The rapidity with which the transfer will be effected depends on the Boards. We cannot and have no desire to compel them to take over roads against their will. Then, Sir, the duties of the Public Works Department are very wide. It is there to serve all departments, reserved and transferred alike. Its officers build for every department, they protect the whole country against floods. It is a highly specialised department, and working as it does for every one it is surely fitting that the Public Works Department should remain as it is at present in the personal portfolio of His Excellency the Governor who is the Head of both halves of the Government and forms the connecting link. Ultimately it seems to me clear—this is my personal view—that this highly specialised department will be reduced in strength and remain to supply highly trained technical advisers. But until there is a change in the constitution is it not right that the department should be under the Member of the Government who is the Head of both the Reserved and the Transferred Sides ?

As regards Excise, Sir, the problems are many and complex. We have a large tea garden population in Assam which is not directly represented here. We have the inhabitants of these hill areas who are not under the control of this Council, with whose ways it has been our policy to interfere very little. In order to carry out our Excise administration, in order to control the manufacture and sale of excisable articles we have to keep a strict control over these areas which are outside the regular administration. At the time when the distribution of subjects was effected it was considered that this control could be more easily exercised by a Member of the Executive Council than by a Minister.

And lastly, Sir, as regards Fisheries, the consideration which then weighed most was that in this province Fisheries is a subject so closely connected with the administration of the land revenue that it could not conveniently be separated. When, as no doubt will ultimately be the case, land revenue becomes a transferred subject Fisheries will assuredly accompany it.

On the question of the special qualifications of the Member in charge the hon. mover has placed me in rather a difficult position. I have said that His Excellency the Governor is in charge of the Public Works Department. The three other departments are in my own portfolio, and I

am under no delusion about my having any special ability. I am sure that plenty of people would administer them more efficiently than I do. My only plea is that I have for many years been connected with the administration of all these departments, beginning from the bottom, and that I have learned a little about them by hard experience.

I trust, Sir, that I have not been, as the hon. member feared, wanting in sympthy. It is only a question of time, and not a very long time either, when to my mind—I am again giving my personal view—not only these subjects but other subjects will undoubtedly be handed over to the Ministers as Transferred subjects. At the moment I think I am justified in saying that position of a Minister in this Council is so precarious, that he is exposed to so many attacks on all kinds of grounds, that the administration of these departments would be much more difficult than it is if it was in the hands of Ministers.

If there is anything further to say I shall be glad to reply when the hon. mover has spoken again.

MAULVI FAIZNUR ALI :—Sir, a question has been put forward as to how many parties there are. But that does not arise and I decline to answer the Hon'ble Finance Member. But I will attempt to put one question to him. He said that as he saw the same set of members going to the same lobby on several occasions he believed there is a party in it. May I ask whether the members on the Government.....

THE HON'BLE MR. W. J. REID :—If I may make a personal explanation, Sir, I said that the hon. member told us yesterday that he was the chairman of one party, that he was acting as the leader of another. I said that I saw members of both parties consistently going into the same lobby. I do not grumble at the fact of there being parties. What I have said is what Maulvi Faiznur Ali told the House yesterday.....

MAULVI FAIZNUR ALI :—Sir, I saw the Hon'ble Finance Member together with the same members going to the same lobby, I also saw the European members going to the same lobby. May I ask whether they form a party in this House ?

THE HON'BLE MR. W. J. REID :—I have heard, Sir, that there are members of a party who call themselves the Assam Nationalist party, who I am informed asked to be allowed to sit together in the Council Chamber. I have never said there is no Nationalist party. I have only said that I do not know for what purposes the Nationalist party exists, that I do not know what its creed is, what its objects are, what its demands are. The hon. member refuses even now to tell me. Perhaps he will tell me to-morrow in the course of the debate on the budget.

SRIJUT NILMONI PHUKAN :—Sir, I wish to speak a word or two regarding myself as a nominated member as the question has been raised by my esteemed friend the hon. Maulvi Sahib. I really do not belong to any party nor am I in any way subservient to the wishes of the Government (cries of ' hear, hear ') although it has pleased His Excellency to nominate me to this august House. But with all sincerity I say that the Maulvi Sahib is the leader of a party, the Swaraj Party, and there is the Nationalist Party both of whom have coalesced. This is a fact known to all the members of this Council....

MAULVI FAIZNUR ALI :—I rise to a point of order, Sir. Is this a point for discussion in this House ?

SRIJUT NILMONI PHUKAN :—I also rise to a point of order, Sir. Is the Maulvi Sahib authorised to say that we the nominated members have formed a party with the Government....

MAULVI FAIZNUR ALI :—I made the remark because the Finance Member made a remark to that effect....

THE HON'BLE MR. W. J. REID :—If I may make a statement regarding the nominated members, though it ought not to be necessary for me to do so, these members are nominated by His Excellency the Governor. If any one here thinks that His Excellency nominates members who are likely to vote for the Government I can only pity the man whose mind is capable of forming such an idea. If any one suggests that the members who have been nominated have come here to support the Government he does them an injustice that no honest man would do to any one else. I ask from the nominated members, Sir, no more than I ask from every other member of this House to whatever party he may belong, that they give us a patient hearing and thereafter vote as their conscience dictates. I know that not one of the nominated members would have accepted nomination on any other terms. None of us on the Government side would have had anything to do with an arrangement which argued anything else.

SRIJUT KULADHAR CHALIHA :—I think the Hon'ble Mr. Reid has misunderstood what Maulvi Faiznur Ali said. What the Maulvi Sahib meant when he said that some members on the nominated benches went to the same side as the Government benches, he meant no reflection on the nominated members that they were going to support the Government against their conscience, but what he meant and suggested was did they by that forming a party ? They had not formed a party but were voting according to their conscience and judgment.

THE HON'BLE MR. W. J. REID :—I am grateful, Sir, to the hon. member for making this explanation. I spoke with some indignation as I felt strongly on the subject. I gladly accept his explanation and am grateful for it.

(Voices from the Nationalist Party : " Thank you.")

RAI BAHADUR AMARNATH RAY :—The Maulvi Sahib must have been very careless not to have noticed that I did not go into the " Noes " Lobby during the debate. (*Laughter*).

BABU KRISHNA SUNDAR DAM :—As one belonging to the coalition party I wish to ask all the members of the party to which I belong to be more patient in all their business towards the other party. That is all I have to say.

THE HON'BLE THE PRESIDENT :—I think it is not desirable to pursue this matter any further. Let us proceed with the business of the House.

SRIJUT SADANANDA DOWERAH :—Sir, I confess that when I framed this resolution I never dreamt that it would meet with opposition from the Leader of the House who has expressed his sympathy for the realization of full self-government within the Government of India Act.

No one wants the whole responsibility of Government at once. I think what the resolution seeks is a step within the Act. I have listened to the remarks of the hon. the Leader of the House to the reasons advanced by him. I do not want to go into details, but there is one thing I cannot help saying and it is this. He says these departments will be transferred. It is only a question of time. May I ask him, Sir, if it is time that solves the difficulties or is it statesmanship that will solve the difficulties. As Sir Malcolm Hailey has said, Sir, do not grudge the Indians, a step in advance (hear, hear) towards self-government. Do not raise these petty objections which we all know, will not hold water, cannot stand criticism. If these objections hold good, if because there are some backward tracts, so-called backward tracts, and they will stand in the way of the realization of self-government and the transfer of these subjects, then, Sir, as our popular Leader Rai Bahadur Promode Chandra Datta said this self-government must have to wait for 200 years until the Garos, the Nagas and the Lushais are in a position to be represented (hear, hear) in this Council. I do not want to go into the detailed criticisms of yesterday, we have had enough of them. But, Sir, the speech of the Leader of the House reminds me again let me tell the House that it really pained me beyond all measure that it should have come from one of those who is supposed to be our representative in the Government. He is the hon. Rai Bahadur Promode Chandra Datta, Minister, for self-government and he says we can have no self-government till these hill tribes are in a position, are sufficiently advanced and educated to send their representatives here. Sir, how are we having self-government in compartments when they are being represented by the Rev. Mr. Evans here. If we can have self-government in compartments with Mr. Evans as the representative, why not have some more Departments administered by Ministers with him or a few more representatives selected in this way. There are certainly some difficulties about the administration of more subjects by the Ministers. Sir, I am quite sure that British statesmanship is not so bankrupt as not to be able to solve that difficulty. I for one decline to believe that the problem cannot be solved. They can be solved easily if Government will take us into their confidence. One party says diarchy is not workable. Give us full self-government. The Government benches say " No, dyarchy is working splendidly, we are advancing step by step, you will get self-government in time." Here is, Sir, one who believes in dyarchy and he asks for more expansion of dyarchy and the reply Government gives is " No, my friend " (hear, hear). " But you cannot have more just now ; we do not always mean what we say ". That is the reply (hear, hear). Sir, I am personally losing confidence in the Government benches. We expected much benefit, much assistance from the Government benches in attaining our end—self-government (hear, hear). Probably we have to stand on our own legs. I never dreamt that this resolution could be opposed. I am one of those who are not for self-government all at once. I have received a great shock when I found that the Government benches will not concede even this. If we can have it in the future you can give it to us now. There are difficulties but difficulties can be solved especially when greater difficulties have been solved.

Sir, I do not think there is much more to say on this resolution. I have already proposed this resolution and am content now to lay it before the House.

THE HON'BLE MR. W. J. REID :—Sir, I have not so many friends in this House that I can afford to lose a good one if any words of mine will

prevent that. I did not as the hon. mover imagines merely say " No " to his suggestion. I did not lightly refuse to accept the resolution. The plain fact is that it is not in the power of this Government even if they so wished to effect this transfer. This could only be done by a modification of the Devolution Rules and that as the hon. member is aware, requires a reference through the Government of India to the Secretary of State, and if accepted the laying of Rules on the table of both Houses of Parliament. Even if we wished to give immediate effect to the desire he has expressed we could not do so. The reasons which I gave to him were not reasons against the transfer of these Departments. They were the reasons which influenced the original distribution of the subjects. I said that a time was coming when the whole question would be considered, when more subjects would be transferred. I said that in my judgment these subjects would be amongst those transferred. The fixation of the time when this change will come is not one within my competence, within the competence of this Government. That, Sir, is my reply to the resolution. It was certainly not meant to show any lack of sympathy.

SRIJUT SADANANDA DOWERAH :—I rise to a point of explanation, Sir. My resolution only recommends to the Government to take the necessary steps for the inclusion of the subjects in question among the transferred subjects. I did not ask the Government to transfer these subjects, nor did I think that it was in their power to do so. But what I say is that it is in their power to take the initiative so that steps might be taken for the transfer of these subjects. That is all I asked.

*The motion was put and adopted.*

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*Extract from the Assam Legislative Council Debates.*

( MARCH AND APRIL SESSION, 1924).

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## RESPONSIBLE GOVERNMENT.

MAULVI FAIZNUR ALI :—Sir, when the present Government of India Act was passed by Parliament, public opinion in India Act was sharply divided into two distinct groups. One party belonging to a certain political school while pronouncing these reforms as utterly unworkable and unsatisfactory and shadowy determined not to take any part in the working of this constitution, while the other party although they were of the opinion that the reforms did not go a long way, determine to give it a fair trial and to put forward their best endeavours in order to make it a success. Three years have elapsed since then and the first chapter in the life of the reformed constitution has been brought to a close. In the light of the experience of these three years there is a consensus of opinion amongst all classes that this Reformed Government, this dyarchical form of responsible Government I should say, is almost unworkable and utterly unsatisfactory. Even those who have gone with high hopes in order to make it a success have had to return with disgust and had to denounce it in most scathing language. We are all familiar, Sir, with the pronouncement of Srijut Madhusudhan Dass who has drawn a very comic picture of the Minister running a three-legged race or allying himself with a woman with a number of step-sons (cries of hear, hear). Even such a distinguished man like Sir Provash Chandra Mitter the ex-Minister of Bengal who had

enjoyed the confidence of the Government so long and who was a Member of the Rowlatt Committee was in confidence of such secret documents which as he said are never expected to see the light of day in his own generation, even such a man like him, has actually from the floor of the House in Bengal Council said that if this system continued long then not a single Indian would be left to co-operate with the Government. He has gone further and said that then all the people would be driven to only one remedy namely obstruction and if obstruction be followed by revolution then the responsibility will rest not with the people but with the Government itself. I believe, Sir, that there is a consensus of opinion, now among the educated people that this dyarchical form of Government is unworkable and as regards the uneducated people who form the bulk of our population I believe none in the House would be startled to hear if I say that they look upon it as a veritable curse. These people, Sir, do not care so much for ideas or ideals. What they do care is the practical effect of these ideals in their every-day life. They find that since the inauguration of the reforms all the necessities of life such as salt, fuel, kerosine oil, umbrella, etc., even cards and postage stamps have become dearer. They find when they are to draw up any document the price of stamp paper and the registration fee have gone up. They find that when they are to go to the Court in order to seek redress for their grievances that the cost at which they can obtain justice has gone up higher. And under these circumstances, Sir, it is no wonder that these people would regard these reforms as a veritable curse and nothing more and perhaps they will be glad to revert to the pre-reform days if this extra burden of taxation were taken away from them. Under these circumstances the whole House will agree that it is time for the Government to take some steps at least in order to put an end to this unworkable system of Government and substitute it by another form of Government, namely, responsible Government. This burning question has been so frequently discussed in season and out of season and in the press and also on the platform and inside the Council and outside the Council that I need not inflict a long speech upon this House and will content myself by making an appeal to all the members of the House in order to support the resolution which runs thus :—

*This Council recommends to the Government to request the Secretary of State for India and the Governor General in Council to take such immediate steps as may be necessary in order to establish full responsible Government in Assam.*

I think, Sir, I am voicing the cry of the people when I move this resolution and I make an appeal to all the members of the House that they would come forward to support my resolution. I make a special appeal to the European members who are so much interested in the commercial and industrial development of our province. I also make a special appeal to the Government members whose ardent aim ought to be to make our province at once prosperous and our people happy, to help us in the realisation of our legitimate aspirations and remove the discontent that is now prevalent throughout the length and breadth of the province and exercising the minds of all the people in the province. I specially make an appeal to the Hon'ble Ministers that they will also please lend their support in this matter because so far as I understand from the Government of India Act they are supposed to be the Leaders of the majority party of the elected

members of the House (hear, hear) and as such, I believe, as the representatives of the people by whom they have been elected. they will voice the sentiments entertained by the people in general. I do not think, Sir, I need say anything more. But if any objections will be raised in the course of the debate, I shall of course reply.

THE HON'BLE MR. W. J. REID :—Surely, Sir, the hon. member is not going to conclude his speech here. He asks the Council to vote for full responsible Government, but he has not given the slightest indication of what he means by that. I do not see, Sir, how I am going to reply to the resolution without some explanation.

MAULVI FAIZNUR ALI :—I did not think that such a question will be raised by the Hon'ble Finance Member. The meaning of full responsible Government is too clear....

THE HON'BLE MR. W. J. REID :—In a sense Sir....

MAULVI FAIZNUR ALI :—It means the same thing as " full responsible Government " has been used in the preamble of the Government of India Act. I use it in the same sense in which it has been used in the preamble of the Government of India Act.

SRIJUT SADANANDA DOWERAH :—I beg to support the resolution moved by hon. friend.

THE HON'BLE MR. W. J. REID :—Will the hon. member speak a little louder, Sir. I cannot hear what he says.

SRIJUT SADANANDA DOWERAH :—Sir, I beg to support the resolution moved by my hon. friend, Maulvi Faiznur Ali. The resolution only requests the Government of Assam to request the Secretary of State for India and the Central Government to take such immediate steps as may be necessary in order to establish full responsible Government in Assam. I take it by " full responsible Government " my friend means nothing but the provincial autonomy. Am I correct ?

MAULVI FAIZNUR ALI :—Yes.

SRIJUT SADANANDA DOWERAH :—Understanding as I do my friend, my friend is cautious to say that he does not ask the Government to move the Central Government to take steps for the establishment of full responsible Government in Assam at once. My friend says only steps, immediate steps, and only such as are necessary for the establishment of full responsible Government, but no time-limit has been fixed by him. When no time-limit is fixed it is to be established within a reasonable time.

THE HON'BLE MR. W. J. REID :—May I suggest, Sir, he said—' immediate steps.'

SRIJUT SADANANDA DOWERAH :—I understand, Sir, that he wants immediate steps and only such as are necessary for the establishment of a full responsible Government. But no time-limit has been fixed in the resolution for the establishment of this responsible Government ; my friend only wants that immediate steps should be taken towards that end. At least this is the interpretation I put upon this resolution. Now, Sir, the Government has already taken some steps towards that aim, towards the goal which all of us have in view, namely, the establishment of provincial autonomy in Assam. They have already established, or I should rather say, they tried to establish responsible Government in Assam in

part. The resolution only wants that they will now take some further steps, immediate steps it may be, towards the establishment of responsible Government in Assam. The whole resolution, Sir, I take it is nothing but this that this Government will move the Central Government that the immediate steps it may be a Committee of enquiry or a round table conference or whatever else it may be, may be taken for the purpose of establishing responsible Government in Assam. And if by the resolution is meant what I understand it purports to mean that we want the Government to move to take some immediate steps for the establishment of responsible Government within a reasonable time I think on this we are all agreed and I venture to think that even the members of the Government bench would agree with us....

THE HON'BLE MR. W. J. REID :—Certainly.

SRIJUT SADANANDA DOWERAH :—The Government has indicated its policy in unmistakable terms. But as regards the time-limit there may be differences of opinion among ourselves. All of us are not agreed on this point. If one thinks that responsible Government ought to be established in a day, probably there will be many who will differ from him. I take it, we want responsible Government within a reasonable time and we ask the Government to request the Central Government to take such immediate steps as may be necessary towards the goal. I do not see there is any harm in this resolution. I think the resolution ought to commend itself to the Government to accept the same.

Now, Sir, there are people who think that asking for " responsible Government " means that we ask the civil servants to go, to vacate and leave everything to us. Sir, I must say that we give due credit to the splendid work done by the civil service in the pre-reform days and I admit and I say to their credit that no one has worked more loyally and faithfully to make the reforms a success than they and I have every confidence that they will assist us with their experience, with their advice and share the responsibility with us to establish responsible Government in the province of Assam and in India. With the assured assistance, with the assured help of the civil service, with the permanent staff of the services to advise, instruct and I might say, to guide us, I do not see, Sir, why we shall not be able within a reasonable time to shoulder the responsibility of responsible Government in the province. If we have to work without the assistance of the services the question may be different. But if we are assisted, guided and instructed by the experience of the services, I do not see, Sir, much practical difficulty in establishing responsible Government in Assam within a reasonable time. I know we ought to be cautious and take care that we do nothing that will lead the minority to think that their interest will not be safeguarded. If we do nothing to lead minorities to think that their interests will suffer in our hands I do not see that there should be anything to prevent the establishment of the responsible Government. If we take care, if we are cautious, if we are reasonable and above all if we are practical and if we do not attempt to accomplish it in a day, what requires years to accomplish, I think, Sir, it will not be difficult to establish full responsible Government in Assam, within a reasonable time, with the assistance of the civil service. With these words I support the resolution.

BABU BRAJENDRA NARAYAN CHAUDHURI :—Sir, do we understand the hon. speaker who has finished speaking just now that he agrees with the hon. mover of this resolution that dyarchy has been found wanting and is not workable.

SRIJUT NILMONI PHUKAN :—Sir, the resolution does not talk of dyarchy at all.

SRIJUT SADANANDA DOWERAH :—May I reply, Sir ? I did not say that dyarchy is unworkable. I do not think so. I think that dyarchy is workable and it has been a splendid success taking into consideration the difficult situation in which the Ministers have been placed. I think that dyarchy has succeeded in Assam beyond all measures of success. (Hear, hear).

THE HON'BLE MR. W. J. REID :—I had hoped, Sir, before I replied to this resolution that I should have been given further enlightenment but this has not been vouchsafed. I do not wish to waste the time of the Council in fighting with shadows but frankly do not understand what is wanted. I suggest that Mr. Dowerah who supported the motion has interpreted the resolution in a manner which the hon. mover had not intended. If the resolution is the one which Mr. Dowerah offered to support, that Assam should obtain full responsible government within a reasonable period of time, that is a resolution to which no one in this Council can reasonably take exception. That is in full accord with the preamble of the Government of India Act which I shall read to the Council presently.

Well, Sir, I have known the mover of this resolution for many years. I have known him to be an earnest man, a sincere man, and a practical man in the discharge of all his public and private duties. I knew therefore when we received notice of this resolution that it had not been moved lightly. I confess however that I did expect from him some practical suggestion as to how effect should be given to his resolution. But first of all there is one thing which must be made clear. The hon. mover told us that on the announcement of the Reforms public opinion in India was sharply divided, one class of opinion holding that the Reforms were a sham and a delusion and that they could take no part in them ; the other holding that the Reforms were not altogether satisfactory but should be given a trial. I ask the hon. mover to which class he belongs.

MAULAVI FAIZNUR ALI :—To the first.

THE HON'BLE MR. W. J. REID :—Well, Sir, that simplifies matters but I do not think it would be an unfair question to ask him as the leader of a declared party whether his party also belong to that class.

MAULAVI FAIZNUR ALI :—I belong to the Swaraj party and the party of which I am a leader is a coalition between the Swaraj party and the other party nationalists and others.

THE HON'BLE MR. W. J. REID :—Then, Sir, on this point there may be a difference of opinion with the Nationalist party ?

MAULVI FAIZNUR ALI :—As far as the Nationalist party is concerned we are at one.

THE HON'BLE MR. W. J. REID :—That, Sir, I am afraid is not an answer to my question. We were told by the hon. mover that the Reforms were a sham. Is the hon. member here to assist in carrying out the Reforms or is he here to oppose them ?, Does he speak for the whole Nationalist party ?

MAULAVI FAIZNUR ALI :—I speak for the whole Nationalist party.

THE HON'BLE MR. W. J. REID :—The issue is clear. We have it now from the leader of the party known as the Nationalist party in this Council that the Reforms are a sham, that they are unworkable, that they have come here not to assist in carrying out the Reformed Government but to make an end.

BABU BRAJENDRA NARAYAN CHAUDHURI :—Sir, I rise to a point of order. The members of a party are I think at liberty to speak for themselves and there is no reason why the leader of the party should be assailed with various questions.

THE HON'BLE MR. J. W. REID :—I complained at the beginning of want of information. I am only asking for information. I do not think that any of my lawyer friends would plead to a cause unless they knew what the facts at issue were. I explained that it was extremely difficult to reply to the resolution when I did not know what was meant. My questions are not asked to create confusion but solely with the desire of obtaining information. I shall be obliged to any hon. member of any party who will correct me if I am wrong, but I thought, Sir, I understood the mover of the resolution to say that he was one of a party who considered the system of dyarchy to be a sham and unworkable, and that in this feeling he had the whole of the Nationalist party behind him. Have I misinterpreted the hon. member ?

MAULAVI FAIZNUR ALI :—Sir, I should like to make a statement. The Nationalists consist of a coalition of two parties, the Swaraj party and some independent members. This resolution was moved by myself, not as the leader of this or any party but as one of the members of this House, and if I express any opinion it is not as a leader of the party but as a member of this House. My personal remarks should not be taken as the remarks of this party.

THE HON'BLE MR. W. J. REID :—I am deeply obliged to the hon. member. We are now listening to the views of Maulavi Faiznur Ali, views which all of us here will hear with respect. I am however of opinion that if my friend Mr. Dowerah had not already spoken he would not now say exactly what he did. In fact I venture to question whether he will still give his unqualified support to this resolution. Sir, I should like to ask the Council—I was going to put the question to the hon. mover but perhaps it would be better if I put it to the Council. Does any one here believe that the province of Assam—for we are dealing with full responsible government in Assam—can receive separate treatment from the rest of India ? Does any one here believe that if this Council accepted this resolution we should thereby draw a single step nearer the goal towards which we are all moving ? And I should like to ask one more question. If I accepted this resolution on behalf of Government, taking the resolution to have the same meaning as Mr. Dowerah attached to it—would this in any way alter the attitude of any party.....

A voice :—It is plain English. What this resolution means ? Are you prepared to accept what was the hon. mover's intention ?

Another voice—We are taking the resolution as here.

THE HON'BLE MR. W. J. REID :—I am no lawyer, Sir, and have no wish to go into technicalities, but every one knows the maxim of law that he who affirms must prove. However we are all practical men here, and we are certainly not going to vote in this Council unless we know the precise issue on which we are voting. I asked just now whether if on behalf of the Government I accepted this resolution this would lead to any change of attitude of any party towards the Government. I asked this because I heard that this resolution was regarded as a test of the sincerity of the Government, and of its merits or.....

BABU KHIROD CHANDRA DEB :—Sir, I rise to a point of order. The hon. member should address the President.

THE HON'BLE THE PRESIDENT :—He is addressing the President.

BABU KHIROD CHANDRA DEB :—He is looking this way (Laughter).

THE HON'BLE MR. W. J. REID :—I apologise, Sir, if I have conveyed the impression that I was addressing the House direct. It was my intention to address you and through you to address the House.

I said, Sir, that I had been told, I do not know whether rightly or wrongly, that our acceptance of this resolution would be regarded as a test of our sincerity that if we did not accept it we would be deserving of no support whatsoever. Well, Sir, I promised just now to read to the Council the preamble to the Government of India Act with which we are all familiar but the exact terms of which perhaps are not studied so closely as they might be. (I am afraid hon. members will not find it in the Manual.) " Whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in British India as an integral part of the Empire : and whereas progress in giving effect to this policy can only be achieved by successive stages, and it is expedient that substantial steps in this direction should now be taken ; and whereas the time and manner of each advance can be determined only by Parliament, upon whom the responsibility lies for the welfare and advancement of the Indian peoples ; and whereas the action of Parliament in such matters must be guided by the co-operation received from those on whom new opportunities of service will be conferred, and by the extent to which it is found that confidence can be reposed in their sense of responsibility : and whereas concurrently with the gradual development of self-governing institutions in the provinces of India it is expedient to give to those provinces in provincial matters the largest measure of independence of the Government of India, which is compatible with the due discharge by the latter of its own responsibilities." I propose to read also a brief extract from the Instrument of Instructions given by His Majesty the King to His Excellency the Governor when he assumed office.—" Whereas by the Government of India Act provision has been made for the gradual development of self-governing institutions in British India, and with a view to the progressive realisation of responsible government in that country as an integral part of our Empire.... You shall further the purposes of the said Act to the end that the institutions and methods of Government therein provided shall be laid upon the best and surest foundations ; that the people of the said province shall acquire such habits of political action and respect such conventions as will best and soonest fit them for self-government." I say now, Sir, that if the resolution means

progress on the lines of these words which I have just read there is no one here who will oppose it. It is not a question of words. It is the intention that really matters. I must confess, Sir, to having suspicions when the hon. mover made no reply to my suggestion that he should tell us his idea of full responsible government in Assam. I certainly understood from his speeches that he wanted this immediately. Mr. Dowerah seemed to hold that the mover wanted it to come only after a reasonable time. The hon. mover if I heard him aright talked of the increased taxation, of the burdens laid on the people, of the prevailing misery and said, I think these are his own words :—' the time had come to substitute for the present system of government full responsible government.' I think, Sir, that answers Mr. Dowerah's suggestion. Well, Sir, what do these words mean ? A change to full responsible government in the only sense in which I can conceive it means more than an alteration of rules or a minor alteration of the Act. It means altering the whole fabric of the structure. I imagine that in any scheme of full responsible government there is no room for a Governor in Council. There may or may not be room for a Governor, I speak without information, but clearly there can be no Council, no Members of the Executive Council appointed independently of the Legislative Council and not directly and immediately under the control of and responsible to the Legislative Council. Is it the sense of this Council that the time has come for this change to be made ? Or is there any hope that if such a proposition was put forward it would be accepted by the British Parliament for the province of Assam independently of the rest of India ?

I find it difficult to go further into the subject, Sir. As I said before I do not want to fight shadows. Above all things I do not want the Council to divide on an issue that is not clearly understood. I have lived many years in Assam, many more years than I have lived outside it. I am as jealous of the good name and reputation of Assam as any one born in the province. I am as anxious as any one to see self-government come, as by gradual development it is bound to come. Had I not believed in the possibility outlined in the words I have read I should not be standing here to-day, I should not be serving in Assam. But holding these views I am deeply anxious that this province should show by its wisdom—to quote again—' such habits of political action and respect for such conventions as will best and soonest fit it for self-government,' that when there is a general advance Assam will be one of the provinces whose claims to the utmost measure of advance then found possible will be one which cannot be resisted.

One word more, Sir. Mr. Dowerah spoke of " a reasonable time." Well, that is a term about the meaning of which there may be differences of opinion. Section 84A of the Act provides that at the expiration of ten years after the passing of the Act a Statutory Commission shall meet and report what measure of advance may then be found possible. This, Sir, is 1924 and the Statutory Commission will sit at the latest in the 1929, only five years hence.

Mr. E. S. ROFFEY :—Sir, I should like to address the House on the resolution as it stands, namely that this Council recommends to move the Secretary of State and the Governor General in Council to take such immediate steps as will be necessary in order to establish full responsible government in Assam. That is to say, the hon. mover means that immediate steps

should now be taken. Now, Sir, with regard to the resolution I must say that having regard to the treatment meted out to this province by the Government of India the resolution does have my sympathy to a certain extent. (Hear, hear). But it is because I consider that the acceptance of the resolution will prove disastrous to this province that I must oppose it. Now, Sir, what will be the effect of adopting the resolution. The only effect can be to scrap the Reforms scheme. That scheme was legalised by the Government of India Act, and as far as I remember it received the support of the majority of the Indians in this country. It was approved by the British Government and passed both Houses of Parliament and provided for the establishment of responsible government in India by successive stages. Now, Sir, the reason why it was provided that it should succeed by stages was to ensure that Indians would during such stages learn to become sound administrators and thus enable them to carry on responsible government. The present resolution suggests that the whole of the Act should be scrapped after an interval of three years. Now, that can only mean that in the opinion of the hon. mover and his supporters.....

SRIJUT SADANANDA DOWERAH :—I do not think so.

THE HON'BLE MR. W. J. REID :—I do not know, Sir, how Mr. Roffey gets the ' three years.'

MR. E. S. ROFFEY :—From the wording of the resolution, Sir. I am sorry if I have misread the intention of the resolution. Three years have lapsed, and this resolution which implies the scrapping the Reforms scheme I submit can only mean that during the past three years the hon. mover and his supporters have obtained that measure of administrative experience which would enable them to obtain full responsible government in Assam. Now, Sir, that I do not believe for one moment and I am doubtful whether the hon. mover and his supporters have considered what this proposal would entail in detail. I would like to put them a few questions. They ask in the resolution to request the Secretary of State, etc. Now, all I have to ask is what evidence has the hon. mover and his supporters to place before the Secretary of State to prove that during the last three years they have gained administrative experience and ability to such an extent that they will now be able to claim full responsible government in Assam.

(A voice :—Ask the Ministers.)

The next question, Sir, is what about the universal cry of Assam being a backward province. If it is a backward province, has it now recovered to such an extent that the residents or some of the residents at least are now in a position to fulfil their duties with regard to full responsible government ? Another point, Sir, that I should like to suggest is, have they considered the question of a defensive army for Assam ? (A voice :—We will do it.) What about communal differences ? The interest of the minorities ? I take it that the hon. mover wants to suggest that communal differences do not exist at present. How is he proposing to deal with the interests of the two valleys which are not identical. That was clearly proved during the sittings of the last Council. These are all most difficult questions which I submit that the province at present is not in a position to decide. Now, Sir, if the hon. mover of this resolution and his supporters would guarantee to me that the acceptance of this

resolution would mean a new heaven and a new earth in Assam I would at once join them. I know my friend Col. Smiles yesterday had a leaning that way. I can only advise the hon. mover to have nothing to do with him as he comes from Belfast and would very probably lead the Nationalist Party much faster than even the hon. mover wants. But in any case, Sir, with regard to the Reforms scheme I submit that when it came into being it did not receive the support of any one. There is no question of that. It did not please any one. But, Sir, what I can claim on behalf of the constituency I represent is that we agreed to work the Reforms loyally and we have done so and are now doing so and I would appeal to the hon. mover and his party to co-operate with us in carrying out the Reforms scheme in the terms of the Government of India Act as in my opinion and in the opinion of my community that is the only manner in which we shall obtain full responsible government in Assam. We are perfectly willing to join the hon. mover and his party and any other party in obtaining full responsible government in Assam and in India in a constitutional manner at the time when it is considered that full responsible government can be carried on in a successful manner. I do submit to this House that it is absolutely impossible at the present time to grant immediate full responsible government in Assam. For this reason I must oppose this resolution.

BABU KRISHNA SUNDAR DAM :—Sir, first of all I propose to reply to certain questions which have been raised by hon. Mr. Roffey. I am going to support the resolution and I shall begin by replying to certain points raised by the last speaker. He first called upon the hon. mover of this resolution and his supporters to state what evidence this province has got to place before the Secretary of State for demanding the replacement of the present form of government by something else. For that I shall ask Mr. Roffey to recollect his own experiences of the last three years of the workings of the dyarchy, the bankruptcy which it has brought upon the province, the frequent application of the repressive laws in this province, the backward motion, economical, political and financial which seems to have come upon the province with the operation of the Reforms. These are materials which Assam in common with the rest of India can supply to the Government of India and the Secretary of State. And I regret that Mr. Roffey should be unaware of the general complaint which has been made all over India against the workings of the present system of dyarchy and of the partial admission of its defects made by the British Parliament in their appointment of the Parliamentary Committee to enquire into the admitted grievances and defects of this.

THE HON'BLE MR. W. J. REID :—May I ask, Sir, to what the hon. member is referring ?

BABU KRISHNA SUNDAR DAM :—I mean the Cabinet Committee which was appointed for enquiring into the existing system of administration.

THE HON'BLE MR. W. J. REID :—I too, Sir, saw a statement that a Committee of Parliament had been formed to advise on such Indian questions as might be referred to them, but I have not seen it stated anywhere that they were to enquire into " undoubted grievances and defects ". If the hon. member can show me his authority I shall stand corrected.

BABU KRISHNA SUNDAR DAM :—As far as I remember, Sir, Sir Malcolm Hailey was asked by members of the Legislative Assembly for information on this very subject and his reply was very vague and was stated in such a manner that the impression conveyed to the Legislative Assembly, was similar to that I am expressing. The reply was also very wide and stated in such a way that he made the impression that the.....

THE HON'BLE MR. W. J. REID :—I fully agree, Sir, that the reply given by the Hon'ble the Home Member was much wider and more general than the very definite statement made by the hon. member who is now addressing the House.

BABU KRISHNA SUNDAR DAM :—Well, I think the larger includes the smaller. Now as regards our fitness. Mr. Roffey has questioned the fitness of the people of Assam for demanding self-government. Well, I think that he has seen as many as four Ministers of whom successive Governors have spoken in eloquent terms as to their capacity and if a province like Assam can supply as many as four Ministers it may safely be taken that there are others who are also equally qualified to take their places.

The third objection which Mr. Roffey put forward was about the difficulty of defending Assam. This question I submit, Sir, will not be solved by excluding the people of Assam from the Army and enjoying the full liberty of using arms which liberty is denied by the present Arms Act. Certainly this is by no means the way to solve this difficulty. The change now sought is with a view to obtain the repeal of the Arms Act and to obtain admission into the Army of the people of India. I am going to support the resolution in the terms in which it stands. The resolution seems to me to be very cautious and drafted in a very practical spirit. It asks the Local Government to request the Secretary of State for India and the Governor General in Council to take such immediate steps as may be necessary in order to establish full responsible government in Assam. He is not pressing forward an immediate grant of self-government of particular form. He is asking only for immediate steps to be taken. The mover well knows that it is not in the power of this Government to grant self-government here. He has stated as far as I remember that he is dissatisfied with the existing dyarchy and so am I, and that he is ready to co-operate with the Government in finding out a substitute and so am I. What that substitute will be it is not for us to say now. The Hon'ble Finance Member expected a definite answer from the hon. member as to what his idea was about the substitute. Of course that is a very difficult question for us to answer, nor will any answer from us.....

THE HON'BLE MR. W. J. REID :—If I may interrupt for a moment, Sir. Does the hon. member seriously contend that we should suggest to the Secretary of State the adoption of a form of Government which it is too difficult for him and his supporters to think out ?

BABU KRISHNA SUNDAR DAM :—We cannot close our eyes and shut our ears to what has been said elsewhere and the circumstances here are in no way different from the circumstances in other provinces. So, regarding the defective working of dyarchy I am in full agreement with the hon. mover of the resolution and I respectfully differ from Mr.

Sadananda Dowerah's attitude that dyarchy has succeeded wonderfully well in the province of Assam. Of course if this is still his view then he stands alone from the rest of India. I have read the view of many European members like Mr. Roffey in the papers, equally condemning the present system of dyarchy. As regards our idea of self-government the Hon'ble Finance Member has repeatedly asked us to state what our views is about that question. All I can say at present about self-government is this that we want a Government which secures to us full freedom of speech and full freedom of association which at present under the existing system of Government we do not enjoy. This is the short statement that I can make at this stage. I think beyond this we should not be expected to go into details by the Finance Member. Had it been in our power to substitute here in this province a form of Government I would readily have given in precise form the answer to his question : whether the Executive Councillors will be necessary, as now or not, how many Ministers there will be, whether there should be one Minister or two, whether there should be a Governor or not ; but our decision here will not affect anybody outside this province—the authorities elsewhere.

In this view of the resolution I support the motion.

MAULAVI DEWAN MUHAMMAD WASIL CHAUDHURY :—With all the explanations and elucidations that have been offered to this resolution I am inclined to think that I have not yet been able to realise where we are. If the object of the hon. mover is to move a set resolution that is quite a different thing. But even that I find difficulty is as to what the Local Government has to do in this connection. They are doing their level best whatever they possibly can do and with what request they have to approach the Secretary of State is not clear to me. If they are to work for any particular end, that end must be definitely and clearly laid down, but if we see the progress already made, I should say that this Council itself is the thin end of the wedge. I say again that the object of the resolution is not stated definitely and clearly and further the word " immediate " which occurs in it rather puzzles me. I say that Government are doing their level best with the resources and materials at their disposal, I do not understand what immediate steps should be taken and what sanction should be obtained from the Secretary of State. This is not clear. Unless and until these points are cleared I am afraid, I shall have to oppose this resolution.

REV. J. J. M. NICHOLS-ROY :—Sir, all of us who have come here to this Council have one aim and ambition namely that of attaining to the goal of full responsible government. The object of the Government of India Act also is to give full responsible government to India ; and the object of this resolution also is to enable us to get full responsible government in Assam.

Sir, this question does not concern Assam alone. It is a question which concerns the whole of India. Therefore whatever we may decide here may not in any way affect the whole of India. Unless therefore it has been decided by the Government of India, or is dealt with by the Legislative Assembly at Delhi by the carrying of this resolution will not make it possible for Assam to get immediately full responsible government. The wording of the resolution is not clear and does not indicate when full responsible government is to be established. If the Secretary of State

through the Government of India, to whom this resolution would be sent should ask as to what is meant by the words " immediate steps ", what should the Government of Assam reply to the Government of India ? I find some difficulty here. Otherwise I have no difficulty at all in supporting this resolution just as it stands. But if behind this resolution, or at the back of it there is some. (Voices :—We are not concerned with what is at the back of it.) If this resolution is going to be interpreted by any body who reads it just as he likes and if the hon. mover would leave the words " immediate steps " to be interpreted as to mean ten years or some reasonable period which may possibly be 10, 15 or 20 years, then I have no objection to support this resolution. But if the words " immediate steps " are to convey the idea that full responsible government shoould be established in Assam after one or two or three years, then I say that it is only on the question of time that we differ. The hon. mover will kindly enlighten us on the point. If the idea is that Government themselves should interpret the question of time involved in these words " immediate steps," *i.e.*, as to *when* full responsible government shall be established. I do not see any difficulty in supporting the resolution, but if immediate steps mean anything different from that I find some difficulty.

I would like the hon. mover of the resolution to enlighten us regarding the words " immediate steps ". In regard to these words, I repeat the difficulties are these :—

The first is the Government of Assam will be put in a very awkward position unless these words are defined and the second difficulty is that if the Government be allowed to put their own interpretation on the words " immediate steps " then the time given may be just the same as that given by the Government of India Act, and thus it will be just like, asking the very same thing which has been given to us. I would like the hon. mover of the resolution to enlighten the House regarding the words " immediate steps ". Sir, the difficulty about the resolution lies in the question of time involved in these words.

THE HON'BLE THE PRESIDENT :—I think several speakers are willing to speak on the resolution It is necessary to adjourn the Council.

The Council was adjourned to 2-15 P.M., for lunch.

MAULAVI ABUAL MAZID ZIAOSSHAMS :—Sir, I would like to speak a few words regarding the resolution under discussion which has been so ably put before the House by the hon. member Maulavi Faiznur Ali, and I give my unqualified support to the resolution. I see that various objections have been raised, the first being that one hon. gentleman has said that we are unfit. Now, Sir, the question of unfitness does not come in in the same way as it did not come up in England when self-governing institutions began there. (Hear ! Hear !) Another question has been raised that there is the question of minorities to be considered. As regards the question of minorities the Government of India Act has already made provision to safeguard the interests of minorities and further provision may be made so that the question of minorities does not arise. Another question has been raised. One gentleman has raised that when the Government of Assam, when the resolution is passed, recommended to the Secretary of State for India that immediate steps be taken for granting full responsible government to Assam the Secretary of State for India will ask the question " what does the Government of Assam mean by *immediate steps* ? " I

should say in reply that these words are used in the Government of India Act itself is clear proof that the meaning of the words is clear enough. Here full responsible government means nothing more or less than the word implies and then the meaning in which it has been used in the Government of India Act. I would submit that the term "full responsible government" is clearly understood by every hon. gentleman in this House. Many gentlemen have tried to give a meaning behind the word ; they have tried to give it an import which the resolution does not contain. The resolution itself is simple enough. It says that immediate steps are to be taken by the Secretary of State for India to grant full responsible government. Sir, I am a plain and simple man and I understand by this that it means nothing more or less than that full responsible government that is Government responsible to the people is wanted. We are dissatisfied with dyarchy. Now, Sir, what more glaring instance of the fact that dyarchy is unworkable can we find than in the fact that the Hon'ble Minister for Local Self-Government, Rai Bahadur Promode Chandra Datta, before he became a Minister was for moving a scheme for the reorganization of the Subordinate Educational Service, but for some reason the scheme could not then be passed, but later on when the hon. gentleman became a Minister for Education the scheme on his lines was moved by some gentleman and carried in the last Council. Now, Sir, the Hon'ble Minister for Education, who was Rai Bahadur Promode Chandra Datta, could not give effect to the scheme for the reorganization of the Subordinate Educational Service because the Government and his Executive Council will not give effect to the resolution. (Hear ! Hear !) It will be said that financial stringency was in the way of giving effect to the scheme. Sir, I would submit that various things are undertaken by the Government sometimes even by borrowing money from the Government of India to the extent of more than 12 lakhs which the Government did last year. What prevents the Government of Assam from giving effect to the scheme ? Simply because it happens to be a transferred subject ; because the Ministers have been left very little power ; so it is a clear proof that dyarchy is unworkable. We want nothing more or less than full responsible government. We are masters of our own house ; we know best all our necessities and where the shoe pinches is best known to the wearer of the shoe. (Hear ! Hear !) And we want greater and fuller freedom in making laws, in spending money. Some gentleman would come forward with a Temperance Bill. Supposing, Sir, the law is passed that intoxication be penalised, will the Government give effect to it ?

THE HON'BLE MR. W. J. REID :—Drunkenness, Sir, when it is a nuisance is surely already penalised. (Laughter).

MAULAVI ABUAL MAZID ZIAOSSHAMS :—If by means of legislation drinking be penalised the Government of Assam depends upon excise revenue to a very great extent. Now this shows that we are powerless. So when the hon. mover moved the resolution he meant nothing else but that the Government of India should be requested to request the Secretary of State for India to take immediate steps to grant full responsible government to Assam. He will clearly understand what steps are to be taken. He will understand that more power is wanted and that the certification and emergency powers of His Excellency the Governor might be curtailed

or done away with altogether. With these few words I support the resolution of Maulavi Faiznur Ali, which is very clear and plain.

MAULAVI ABDUL HAMID :—Sir, in rising to support this resolution I should like to make one or two observations. As the scope of the resolution is rather wide has got various aspects to be considered, and if any member is to do full justice to this resolution I am afraid he would be compelled to exceed the time limit. I hope, Sir, this observation will be considered when you will be calling me to order.

Sir, I should at the very outset without going into the merits or demerits of the resolution give my replies to some of the observations made by those speakers who are speaking against the resolution. Much stress has been laid down on the appearance of the word " immediate " in the resolution. I do not think this word exactly refers to the immediate grant of responsible government ; it refers to the taking of immediate steps towards that end. It is common knowledge to every member of this House that after the declaration of the 20th August 1917, not less than two years were spent in deliberations and enquiry and everything else before this scheme of reforms was formulated. Sir, moreover this resolution is to pass from His Excellency the Governor of this Province to His Excellency the Viceroy and from His Excellency the Viceroy to the Secretary of State. It has got to pass from one stage to another. Sir, in reference to this I may mention one fact to the members that the question of taking steps towards a further advance is not a new thing. Only six months after the introduction of these Reforms a resolution was carried in the Legislative Assembly demanding a further advance. I shall speak on the merits or demerits of this resolution later on but I can say that if I remember aright this resolution was passed by the Assembly on the 20th July 1920. This resolution was conveyed to the Secretary of State for India on September following and you will be only surprised to hear that a reply to this was not received by His Excellency the Viceroy till the November of the following year. Sir, from this you will understand why this word is essentially necessary if you are really meaning that any step should be taken within three or four years. Sir, I am sorry that some matters have been raised which do not necessarily relate to this resolution. These might be side issues. But I should ask you all hon. members not to obscure the issue, not to raise questions which may arise afterwards. An enquiry will be made. Many people will sit and deliberate how the special interests are to be safeguarded, whether of officials or of non-officials, of minorities or of the planting community and of every other community. These issues ought not to be introduced at this stage just to obscure the real issue. I am sorry that the main objections that I anticipated have not been so forcibly urged from the opposite side and only these obscuring side issues have been brought forward. I expected that the propositions the grounds urged by His Lordship, Lord Peel, the then Secretary of State, for refusing to make any advance just then would have been bodily urged in opposition to this resolution. But they were not touched. His despatch was not referred to. I shall try to place before you what Lord Peel had got to say in refusing to make any advance. Some things have been said as to what would become of the condition of the British interests in India. I have not got so poor an opinion of the British people. They never shirk competition. They always like to stand on their merits. I do not see that if they excel us in business

capacity, if they excel us in adventure, if they show any enterprise, why they should not maintain the predominant position in the industrial and commercial life of the country as they are holding their own in other countries where they have not got any command over the political institutions. One thing has been urged. Do you consider that an isolated question of complete political autonomy for Assam will be considered by the Government of India or by the Secretary of State. None who knows what is happening in the different provinces of India can say that this point is not coming to the forefront in the political platform of the provinces. If this is the sort of argument which is brought forward, if all the provinces are to be taken into consideration, if all the provinces are to urge for complete autonomy or complete responsible government some province must begin. If all remain to follow nobody can begin. Another thing has been urged. The Hon'ble Mr. Reid has read out the preamble which perhaps in a summary form at least, I should have liked to place before the Council. It has been said by the British Parliament, by His Lordship the Secretary of State that the grant of full responsible government is conditional on our respecting the conventions, on our respecting everything else that is necessary. As regards the points raised by the hon. gentleman sitting on my right, will excuse me if I am naming him wrongly, Mr. Roffey, he enquired about the qualifications of Ministers. Now, if the resolution is based on the ground that Indian Ministers taken by the executive government did not successfully work, did not successfully shoulder the responsibility that was placed upon them I could have very well understood that position. From the Viceroy downwards they are receiving compliments after compliments for doing their work, for shouldering the responsibility very well. And even from his place here His Excellency the Governor did not fail to commend the services of the Ministers before this Council. If this is so, Sir, I say that one of the main considerations before the Committee when they will enquire into the granting of reforms would be whether these Ministers have successfully carried out the work that is going to be entrusted to them. This was certainly a very important point that exercises their attention. So I do not think that the hon. Mr. Roffey or for the matter of that any member, any European members of this Council will urge that the Ministers did not do their work very well.

Now, about communal difference.—Sir, the political conditions have not been stationary since this world-wide war, I mean the European war. I should say the political ideas of the world have been undergoing wonderful transformations. The narrow communal differences that stood in the way of the Indian unity has almost vanished and the persons who were opposing the grant of responsible government only three or four years back have come to agree that it is necessary that we should have full responsible government. Communal question is not a card which can be very successfully played now-a-days to defeat the Indian people, in making their united opposing the demand for grant of responsible government. Interests of minorities can be safeguarded in various ways. I should ask the English members of this Council, did they safeguard the interests of the minority before the fullest responsibility was entrusted in the hands of the British Parliament ? Did they grant the fullest freedom to the Catholics, did they grant the fullest freedom to the other sects of Christians when one party was holding sway in parliamentary Government ? They did not make any safeguard. We

are proceeding very cautiously giving safeguards to one after another. This is how we are utilising experience. This is not a movement for having power in the grip of one party to be utilised in subordinating the interests of the other party. We are not Puritans willing to put down all the other communities, *e.g.*, Catholics and Jews. We are not here doing like that. We are proceeding as far as possible very cautiously making our programme and policy, an all-embracing one, so as to bring in the numerous castes and creeds within its fold.

Mr. Dowerah who was kind enough to support this motion said he believed that the Reforms were working well. I think the responsible Ministers who were within the Government and whose authority the hon. mover has already quoted is more valuable in considering and in forming our opinion regarding the workability or otherwise of the dyarchy. This workability or otherwise of the dyarchy had exercised the minds of many persons both here and in England. It has not got one unqualified supporter to say that it is a good thing and that it can be worked very satisfactorily. There is absolutely none to say that. I know my hon. friend will find himself perhaps isolated both in Indian political life as well as in England in thinking that dyarchy is an ideal system. It is something like an imperfect institution meant for the transition period. Mr. Reid read the preamble, but I would like to go a bit further back and see what were the formulæ with which the reformed constitution was started. The authors of the Report prepared by His Excellency Lord Chelmsford and Mr. Montagu themselves recommended that a substantial step should be taken at once to give some measure of responsibility to the representatives chosen by the electorate and they laid down four formulæ. There should be as far as possible complete popular control in local bodies the largest possible independence for them of outside control. That was the first formula. With these things of course they started. Of course the whole scheme was not laid bare before them when they uttered the words ' responsible government '. The Hon'ble Mr. Reid wanted to have a cut-and-dried scheme from us for the future responsible government. But the authors of the Report started with these propositions and on these propositions they built up the whole scheme later on. I am not very much concerned with the first formula. The second runs thus.....

THE HON'BLE THE PRESIDENT :—I am afraid the hon. member has exceeded his time-limit.

THE HON'BLE MR. W. J. REID :—I was going to ask, Sir, on behalf of the Government if you would make an exception and allow the hon. member to continue a little longer. We are all striving after light and this is the first real attempt made to enlighten us.

THE HON'BLE THE PRESIDENT :—Very well, I will allow the hon. member five minutes more.

MAULAVI ABDUL HAMID :—Thank you, Sir.

" The provinces are the domain in which the earliest steps towards the progressive realization of responsible government should be taken. Some measure of responsibility should be given at once and our aim is to give complete responsibility as soon as conditions permit."

The main opposition ought to have centred round whether the present circumstances are suited for a complete scheme of responsible government. I have to bring before the Council prominently this point,

*viz.*, that the provinces are the domain in which early steps towards progressive realization of self-government should be taken. It is not a new thing, Sir. Only six months after the institution of the Reformed constitution a demand was made for the abolition of the Government of India Act. It was not a demand for the grant of advancement within the Act but for amending the Act itself. There are three grounds on which Viscount Peel refused the demand. In the first place they assumed (I am reading from the Despatch of the Secretary of State) that progress is impossible under the existing constitution and can be achieved only by a further amendment in the Government of India Act. In the next place—and this is the real question—the capabilities of the electorate have not yet been tested by time and experience, I should request this Council to make a comparative study of the conditions under which we are making and putting forward this demand. Was the condition of the British electorate so improved as the condition now is in India when full responsible government was granted to Parliament, when powers were wrested from the British Kings and vested in the British Parliament ? Were not the electorate at that time following the bidding of their lordly masters, whether of rotten borough or fresh ? I need not go to enquire ? But I will say what are the conditions and what are the circumstances prevailing in our country to-day. No lords, no magnates to-day can have the least chance of success in their election against the popular desire to send their own representatives. If anybody wishes to be enlightened on this point he will just read the details of the elections of the last year to be convinced as to the truth of my statement. It cannot, therefore, be urged that our electorates cannot utilize their franchise for the good of the country, for their own good, and for the good of the minorities. Sir, Viscount Peel considered six months to be a premature period for modifying the Act. But 6 times 6 months cannot be regarded as too short a period for demanding modification. You need not be led away by the fact that ten years was the time-limit for the modification of the Act. That was rested on a supposed apprehension that our Ministers would not probably succeed in shouldering the responsibilities of Government. This apprehension has since been removed. Our electorate has demonstrated before the Council as any other electorate of any country could do in the initial stages of the grant of responsible self-government their capacity for intelligently using their franchise. Well, if these two conditions are satisfied what possible reasons can there be for denying us the fullest responsibility. I say, Sir, that the resolution is very cautiously worded. It recommends to the Governor General and the Secretary of State for India that people consider that the present constitution is unsatisfactory. The hon. Maulavi Faiznur Ali might belong to a party which considers it satisfactory. Almost all those who co-operated with the Government in making the reforms a success have given their verdict that the reforms are unsatisfactory. Tell me where is the person who regarded the dyarchical form of government as satisfactory.

I say that the grant of full responsibility is absolutely necessary in order to remove our Ministers from a very awkward position.

The Director of Information Bureau, who is required to submit annually a report about India under section 26 of the Government of India Act to Parliament, observes in his report of 1922-23 : " There

has been a notable tendency for Ministers in many provinces to work in far closer relationship with the Executive Government than with the Council to which they are in theory responsible." This is the state of things and circumstances which exist to-day.

We want to remove dyarchy. It is not urged I am very happy to find that the people do not demand responsible government. If that statement was urged in opposition then I would have understood it. But as I say every class of Indian public opinion have urged for it and clamoured for the attainment of full responsible government. Some might believe in non-violent non-co-operation ; some might believe in going inside the Council and utilising the powers granted under the Government of India Act, but they are all different methods of attaining the same goal. The whole lot want responsible government.

THE HON'BLE THE PRESIDENT :—I am sorry that I cannot allow you to speak any longer as the extra time I have allowed you has long since expired.

RAI BAHADUR AMARNATH RAY :—Sir, it is impossible for me not to sympathise with the demand put forward in the resolution before the House. But at the same time I beg to urge a few points for the consideration of the House. My object is not to create any difficulty in the way of the resolution being accepted by the House but to have my own doubts solved. Before however, proceeding to state my points I beg to refer to a few remarks of my hon. colleague Mr. Roffey.....

THE HONB'LE MR. W. J. REID :—If I may interrupt, Sir. Mr. Roffey will be the first to admit that he was putting forward his own views, that he was in no sense putting forward the Government case, and that he does not for a moment claim that his were the Government views. Anything that I said may be taken to be the Government view.

RAI BAHADUR AMARNATH RAY :—Mr. Roffey wanted us to pin our faith on the Government of India Act even after the recent happenings in the Central Provinces, in the Legislative Assembly and in Bengal. Is he really fond of deadlocks ? I believe that Government both in India and in England have already been devising means to put an end to this state of things (hear ! hear !). He questioned our fitness to administer this province. I beg to submit, Sir, that we are quite fit to administer this province. It is a weakness peculiar to every nation and every human being to fail to discern merit in another nation or another human being. Even if we concede that we are inferior to the British people in administrative talent and experience I want to remind my hon. friend of the memorable words of Sir Henry Campbell-Bannerman that good government is no substitute for self-government (hear ! hear !).

My first objection to the resolution is that it clashes with the demand for a round table conference put forward by the Legislative Assembly. The idea underlying that demand is that it is the people of India who should primarily determine what shape the Government of the country should take and that in that matter the British people and the British Parliament can only advise, and it has been stated the preamble to the Government of India Act is an insult to the intelligence of the people of this country. To my mind there is very little that is

exceptional in this idea. By demanding full responsible government in the province I am sure we are pre-judging things. I think the question could wait till the representatives of the people in the Assembly and elsewhere have thought out and prepared a constitution for the Government of India as well as for the provinces (hear ! hear ! from Government benches).

My next objection is that I have not been able to reconcile myself to the idea of provincial autonomy set up by the Government of India Act. Since the days of John Bright Englishmen have failed to visualize the future Government of India as anything except a federation of states and Mr. Montague and Lord Chelmsford accepted the idea readily because we failed to present any suitable alternative at the time when the inquiry was held. The United States of America was evidently the example they had in mind. But I may point out that though there are in the United States people of more than one nationality, they all speak the same language and profess the same religion. The case is quite different in India. Here the ideal of both Hinduism and Muhammadanism has always been religious or cultural unity and not territorial unity. Provincial autonomy to my mind is fraught with serious dangers : it will circumscribe our outlook, raise provincial jealousies and stand as a clog to our progress towards the building up of a healthy all-India patriotism. Our outlook readily narrows down from provincialism to parochialsm. My own ideal is that of one Government for the whole of India with one central Parliament responsible, to the people sitting at Delhi or any other place which may be found suitable, the Provincial Governments being merely agents of the Central Government and responsible to that body and the Central Legislature. This is, I believe, the ideal which was held up before the people by that erudite student of Politics and constitutional history. Mr. C. Vijayaraghaya Chariar, in the draft constitution for the Dominion of India which he presented to the Nagpur Congress over which he presided. Well, Sir, I do not claim to be the sole repository of political wisdom in this House and I hope to profit by the discussion which the position taken up by me will raise. It is clear that opinion in the country is by no means unanimous as to the shape which the Government of India and the Provincial Governments should ultimately take. We all know how Mahatma Gandhi persistently refused to define the word " Swaraj." The reason was obvious. May I ask my hon'ble colleagues whether in their opinion the question deserves reconsideration or whether they are prepared to proceed along the path chalked out for them by Mr. Montague and Lord Chelmsford. Is the ideal set up by them to be considered a counsel of perfection and any attempt to reopen the question rejected as harmful in any way ? Is the demand for self-determination then a mere camouflage ? I may be wrong in the view I have taken, but even if I concede that the ideal of provincial autonomy is an unexceptionable one, I should hesitate to demand full responsible government before the provinces have been reconstituted on a national basis. Mere administrative convenience cannot be the only basis for the constitution of a province. We must have ethnic or linguistic unity as our basis. In the joint report on the Reforms the necessity for the reconstitution of the Provinces on such lines was not lost sight of and it was suggested that the question should be taken up immediately after the inauguration of the Reforms. There is a difficult question which is likely to come up before this House

sooner or later, *viz.*, the question of reunion of Sylhet with Bengal. We could not bring it up during the life time of the last Council as there was division in our ranks. My hon. colleague, Mr. Brajendra Narayan Chaudhuri, took me to task repeatedly for sleeping over the matter and his main object in coming to this Council was, I understood, to bring about the reunion of Sylhet with Bengal. My other hon. colleague from Sunamganj, Maulavi Abdul Hannan Chaudhuri, is also, I believe, a reunionist and there are other members from Sylhet who are pledged to support reunion. What I ask them is this—will it be possible to alter the foundation after the edifice has been completed ? I am distinctly of opinion that the reconstitution of the Provinces should precede the establishment of full responsible government. I believe my friends having found fault with us so long do not propose now to defer the question of reunion of Sylhet with Bengal till the last Englishman has left the Province.

I have stated my difficulties and if the hon. mover or other members of his party will take the trouble to remove them, I shall gladly withdraw my opposition.

BABU BRAJENDRA NARAYAN CHAUDHURI :—I had intended, Sir, not to speak on this resolution. But the speech of my hon. and revd. friend, Rai Bahadur Amarnath Ray, has compelled me to speak. He seems to be very much afraid lest by supporting this resolution before the House we would be stopped from demanding the reunion of Sylhet with Bengal. I can assure my hon. friend that he need have no such fears. If this House passes the resolution as we very confidently hope to do, I hope my hon. friend will not be so sanguine as to believe that during the continuance of this session the hon. Leader of the House will bring him the glad news that a telegram has been received from the Right Hon'ble the Secretary of State informing that a Bill has been rushed through the House of Commons and full responsible government has been granted to Assam (Laughter). Sir, as a previous speaker, my hon. friend Maulvi Abdul Hamid said that if the Government accedes to our request and takes immediate step it will take some time. The scheme will be discussed. We shall then have sufficient time and opportunity for urging our case in determining the exact boundaries of the province which is to be the responsible government for the province of Assam. With the permission of the Hon'ble President I should like to say a few words just for a minute or two. I ask for the permission because I think the matter is not quite relevant. With the permission of the Chair I should like to tell my hon. friend, Rai Bahadur Amarnath Roy, that I have not been sleeping over the matter of the demand for the reunion of Sylhet with Bengal. If my hon. friend has taken the care to read carefully the newspapers.....

THE HON'BLE MR. W. J. REID :—On a point of order, Sir. The discussion has travelled over a good deal of ground already ; and this I submit is irrelevant.

BABU BRAJENDRA NARAYAN CHAUDHURI :—I bow to the ruling of the Hon'ble President. I should like to meet some of the objections raised by my erudite friend. He says that by supporting this resolution we would be supporting the ideal of a federated India. In this

resolution there is nothing, I think, to show that we are committed to any particular ideal. That matter is quite open and may be discussed hereafter. My hon. friend has said that our demand collides with the demand of our people through our representatives in the Assembly for a Round Table Conference. I should like to say that the two demands do not collide. They support each other. The Round Table Conference proposed by the Assembly may be, if the Government likes, one of the immediate steps to be taken for the grant of full responsible government to Assam. This is all that I wish to say.

MR. J. E. WEBSTER :—The hon. member who seconded the resolution gave a particular invitation to the members on the official benches to support the resolution. I should like to tell the House shortly why for my own part I do not feel justified in doing so and why I feel that it will be a great mistake on the part of this House to pass this resolution. Being by birth a Scotchman and by training a bureaucrat I naturally, I may say inevitably, am cautious and have a great dislike to putting my name to things I do not understand, and as a member of this House in any case I should not like to give my vote for a resolution which I do not thoroughly understand and the effects of which I cannot measure. And I stand in that position. The hon. mover did not tell us very much about his objects and about the meaning of his resolution. I gathered however that he thought dyarchy a complete failure and desired an immediate change to some other system of Government—' full responsible government ' which is , as he says, ' full responsible government ' within the meaning of the word as used in the Government of India Act. Well, Sir, I do not agree with the hon. mover that dyarchy, in this province at least, has been a failure. It has succeeded at least beyond my highest expectations and I regard it as a splendid step on the way to full responsible government.

The hon. seconder of the resolution put an entirely different complexion upon the meaning of the resolution before the House. According to him immediate steps were to be taken in order to establish within a reasonable period full provincial autonomy. Well, Sir, if that were the meaning of the resolution, it would be innocuous, but I feel that by sending such a resolution to the Secretary of State we should be rather stultifying ourselves, we should be asking for what has already been laid down in the preamble to the Government of India Act and giving the impression that we have not thoroughly studied the existing provisions of the law. I looked for further guidance as to the meaning of the resolution before us in other speeches. From that of my hon. friend, Babu Krishna Sundar Dam, I gathered the main objects which in his opinion were to be achieved by the resolution, if passed and granted, were that we should get the Arms Act repealed, that we should take measures to enlist the people in the Army and we should obtain for the popular Ministers powers to pass laws and spend money—he did not say anything about raising money. Well, Sir, this takes us beyond the ideal of provincial autonomy because the Army and Military matters are vested in the Central Government. Maulvi Abual Mazid Ziaosshams said that we are following the terms of the Government of India Act. There is of course a very great difference between " immediate steps " and gradual progressive steps towards full responsible government. I am entirely a believer in gradual and steady advance but being,

as I said before, a Scotchman I am suspicious of very sudden and drastic and violent changes. My friend Rai Bahadur Amarnath Ray also gave another reason for not voting for the resolution. He showed that there was some difference of opinion between members of the Council as to what exactly was meant by immediate full responsible government. I have one more reason, and that is that if we put before the Secretary of State a resolution susceptible of so many different interpretations he would only consider that we are either too lazy to define our meaning or too impatient to work out the line allotted us, and I feel sure that by patiently and industriously working out the present system of Government we have the best chance of obtaining the full responsible government which we all hope for.

LIEUTENANT-COLONEL W. D. SMILES :—Sir, I am not as fortunate as the last speaker. The hon. member is by birth a Scotchman and by training a bureaucrat. I on the other hand am by birth an Irishman and by training against the Government. (Hear ! Hear !) Sir, at our last general meeting of the Indian Tea Association I publicly said that unless the Central Government would listen to some of our just demands we would be perfectly justified in asking for some modified form of Swaraj for Assam. (Hear ! Hear !) However since November last things have altered a great deal. We have got six lakhs back from the Central Government and they have also granted one of our other resolutions. Sir, if this resolution is accepted will it help Assam ? My hon. friend who moved the resolution stated that the Reforms had been a veritable curse to thousands in the province, that the price of food-stuffs, salt etc., had risen considerably on account of the Reforms. I doubt if there is such a famine as the hon. member made out, but even so the great wave that spread over Europe in August 1914 is still felt in America and also by the poor raiyat in Assam. Ripples of it have reached here ; Europe has not recovered yet from the effects of it. Look at the French franc, what it has dropped to in three months. We have still got to pay for the war and people who are up here, members of Council, need not think that high prices are solely due to the Reforms. Democratic government is an expensive government and the more democratic we get the more our government is going to cost us. I do not oppose it at all. I agree that we ought to have a democratic government and I will always support it. However no form of government will turn a poor country into a rich one. Something more than that is required. We have only another 5 years to wait and what is five years in the life of a nation. I can remember in one of the resolutions I put forward in the last Council the Hon. Member, Finance, did me the honour to quote from 1813, and if that had an effect on a resolution and upon the way the Council voted then I maintain that five years is nothing at all for a province like Assam to think of. The Government of India has promised to reconsider the question and there will be a reconsideration in 1929, and when I read the reports in the paper about the Central Provinces Legislative Council and the Bengal Legislative Council I consider that Assam should be the first to receive a fuller autonomy and get as much if not more than any province in India, and I would always support that.

This resolution I assume means that we have not got a responsible government now. Well, if I did not consider myself responsible to my constituents in particular and to Assam in general I certainly would not

waste my time coming here, and I cannot understand any hon. member present here who considers that this Government is not responsible coming here at all.

SRIJUT NILMONI PHUKAN :—Sir, I beg to say a few words on this resolution. I have heard with rapt attention to all the members who preceded me and after hearing all of them I cannot persuade myself to believe that this resolution was framed in a quite different spirit from the preamble to the Government of India Act itself. So I think this resolution is only a sort of repetition of the question itself. If the hon. mover means by this resolution that the time limit of ten years to be experimental upon this machinery be accelerated then I understand there may be some reason for moving this resolution. But if it leaves the whole question of time limit then I say that the Parliament itself has promised to renew this machinery after ten years. It is no use therefore telling them that we also want that. I do not propose to enter into all the details of the working of the dyarchy for all these three years. I can at once say that it has never satisfied the people nor the Government itself (Hear ! hear !) and it was a foregone conclusion that this very machinery was fitted here for some time in the transitional period. The only question before us now is whether this transitional period is over. I think that only on this point we differ. Some say this is already over ; some say it is not ; some say it is not too much in the life-time of a nation to wait for another five years ; and some say that the whole machinery must be thrown out and a new one fitted up. But I think that we have in a manner already accepted the machinery which has been already fitted. The only question is that we are to see whether this machinery has already worked smoothly and properly. Nobody can say for certain that this machinery has worked smoothly. On the authority of the Ministers themselves we have been told that they found it very difficult to handle the machinery during the time of their regime. That very fact shows that it has not worked well. Then what is our duty at this moment ? Are we to go away from it, or allow it to rust where it is, or try our best to replace those parts which have already clogged the machinery ? I believe the latter procedure would be the better one ; that we must try our best to handle the machinery as smoothly as possible and propose the replacement of those parts which are totally clogging the machinery. I think if this resolution can be taken in that view it is the most harmless resolution and at the same time expresses a pious wish. When the Government of India Act itself aims at the same thing what is the use of pressing the same thing or bringing the same question again and again ! If we really want this time-limit to be accelerated, if we concentrated our minds on that—that this time-limit should be curtailed and it should be reduced by some years—then I understand that this resolution can have some meaning. Of course if it means that directly this resolution is accepted dyarchy will be nowhere, I do not think we shall be justified constitutionally in supporting this resolution. Because supposing we wanted our government or this legislature under the Government of India Act itself to change it is not within our right to do that ; it is the British Parliament itself who will decide what will have to be done after 10 years. And on this very point the opinion of the country differs. Questions have been raised on this point in the Legislative Assembly and in other provinces, and there is talk of a Round Table Conference. If a committee is appointed to enquire into the working of the constitution it is another step in manner to see whether this machinery is

actually working smoothly or not. So unless it is clear that by this resolution we want to draw the attention of the Government of India that we as a nation here also feel that this time-limit should be accelerated then it could have no meaning. But besides that if we simply press that full responsible government should be established and immediate steps taken with that end in view then it is already in the Government of India Act itself. So unless the hon. mover clearly expresses what he wants in the resolution I do no think we can very safely give our vote. At least personally I am still in the dark to know whether he wants the time-limit to be accelerated or he wants quite different and new machinery. I do not know and before knowing I cannot say that I am in a position to support the resolution. One point of argument the hon. member put in the course of moving the resolution was that Reforms have brought economic distress and that but for Reforms we would have been able to continue our Temperance movement. But there also I see that many things have to be taken into consideration. This economic distress is due more to this world war than to the Reforms, as the hon. Mr. Smiles says, and I quite agree with him on this point. And again the democratic form of government must be more costly from all points of view because the higher form of government must be a costly thing. But on that ground we do not want to make it top-heavy. That is the idea. But we cannot say that all these ills are due to the Reforms. There are other circumstances in the midst of which the Reforms scheme unfortunately found itself. Again as regards the temperance movement and other things I yield to none in my zeal for temperance movement and I should be willing to sacrifice anything and everything to make the country free from intemperance. (Hear ! hear !) but one thing is certain. Even if we get full responsible government I am afraid the Ministers who will be in charge of the Excise Department will themselves be a little too slow to recognise this very fact. What do we find in those provinces where the Excise Department is already transferred ? The other day we heard one Minister advising the Council that if they did away with the Excise Department their transferred subjects will suffer. Well this is practical politics. These are the hard facts of life which we cannot easily ignore. So it does not mean that the moment we get all the responsibilities, all the ills of the country will go away. It is not that. Under these circumstances I hope the hon. mover will clear the point, whether his point is that the time-limit should be accelerated or he wants a total change. Unless we know that we cannot support his resolution and we cannot leap into the dark.

MAULAVI RASHID ALI LASKAR :—Sir, I should like to say a few words in this connection. I find that all here in this Council are for Swaraj except one or two. All are for full responsible government. The only objection against this resolution hangs round the only word ' immediate. ' Otherwise all are in favour of full responsible government. Of course one or two are against this phrase ' responsible government ' because they are afraid whether it will take the shape of autonomy or dyarchy or this or that. I am not against dyarchy itself provided it be fully responsible to the people of the country, any form of government provided it is fully responsible to the country. That is what I want, any form of government will do.

BABU KRISHNA SUNDAR DAM :—Dyarchy cannot be responsible.

MAULAVI RASHID ALI LASKAR :—You can give it any name ; provided it is responsible I have no objection to it. As to this word ' im-

mediate ' the hon. Maulvi Abdul Hamid has fully explained the force of the word ' immediate. ' Again there has been another objection, that if the word ' immediate ' means as Maulavi Abdul Hamid has interpreted it then the resolution becomes meaningless as some of the hon'ble members have suggested. But I say, Sir, after all what is this resolution—a mere opinion of the country expressed through their elected representatives in this Council. And this opinion is to be conveyed by His Excellency to the proper authorities. That is all and nothing more. It does not bind us here and it does not commit anybody here. Simply this is the opinion of the country. The idea of the people should be conveyed to the proper authorities by His Excellency. I may be wrong, but I believe if His Excellency were in this Council he would not object to conveying such an opinion of this Council if passed by this Council. What is the objection to it ? I do not see what is the objection against it, in informing the proper authorities that the country wants it, that this Council wants it. Giving or refusing rests with them. Let the proper authorities know what the opinion and the ideas of the country are: Then, some of the hon. members said that we should remain quite content with what we have got, that that was the best and so on. But the superlative degree for one may be a positive degree for others. We should not look upon the present Reforms scheme as the best simply because it fell from above. We know, every one of us, members, know full well that as soon as the present scheme was declared there rose an objection throughout the country against it. This objection is again being raised in all the provinces and in the Central Legislature also. As for the idea of the Country it may be questioned whether we represent practically the idea of the people of the country. This may be easily seen in the drastic change of the members that have now come. Then, some of us may not individually agree to support the resolution. But we should at the same time consider what is the opinion of the constituency we represent. I may not individually support the resolution, but if my constituency wants me to support the resolution I should support the resolution (Hear ! hear !). Then, practically this resolution does not want anything to be done drastically. As the meaning of the word ' immediate ' has been already explained there should not be any more trouble about it. If that word is removed from its proper place then the resolution becomes quite meaningless because Swaraj or full resposible government is already promised by His Majesty's Government. We only want the instalment to be a bit shorter. That is all and nothing more. And simply an opinion of the country expressed through their elected representatives should be conveyed to the proper authorities by His Excellency. That is the request and nothing more. Therefore I see no harm in supporting this resolution.

THE HON'BLE MAULAVI SAIYID MUHAMMAD SAADULLA :—Sir, the hon. mover of this resolution towards the peroration of his speech made an appeal to the Hon'ble Ministers of this Government, and it is only meet that I should speak on the subject as he has desired. My friend has said that the Ministers are in theory supposed to be the leaders of the elected members. I do not know whether I enjoy the confidence of my friends opposite now, but till the 29th day of February 1924 I was fully in their confidence. The mere fact that I have been translated into the Government bench ought not to make any change in the angle of vision of my friends on the opposite, for I can assure my hon. friends that with my past career as well as the traditions I enjoyed in the pre-reform

Council days, they can fully rest assured that whenever I find that this dyarchy is impossible, that one cannot follow one's own conscience, that to work the dyarchy is impracticable I would be the first person to tender my resignation letter to His Excellency and vote for the people. (Hear ! hear !). My friend began by saying that when this reform was ushered in public opinion in India was divided into two camps, one camp which was better known by the name of the Non-co-operation camp and the other the Co-operators' camp. Those that thought that this system is simply unworkable remained aloof and they did not join this constitution, they did not like to work the Government of India Act at all. They thought that they would be able to bring a change in this constitution by working outside the councils ; whereas the other party thought they should not condemn this system without giving it a fair trial and a free chance. The hon. mover mentioned the names of two of the Ministers, Mr. P. C. Mitter and Srijut Madhusudan Das, and said that these two gentlemen have testified to the general outcry against dyarchy. Well, these two Ministers alone do not represent the views of the other Indian Ministers. I can cite the name of no less a patriot and one of the zealous enthusiasts of the Congress, I mean Lala Harkishanlal of the Punjab. I suppose everybody would agree that there was none who worked so devotedly, so selflessly as the Lala of the Punjab, for his country, but as soon as he was convinced that a chance ought to be given to the new constitution he joined it and if I remember aright he is still working for this dyarchy. (A voice :—Perhaps not). Till January 1924 he was a Minister. Then we have also men of the stamp of Dr. Paranjpye of Bombay who have thought fit to work this constitution and this dyarchy. Curiously enough although Mr. P. C. Mitter has thought fit to condemn this dyarchy when he has been returned to the new council he never thought fit to resign his post while he found that it was unworkable. The clear test would have been for him to immediately walk out if he found that it was simply unworkable and that he could not represent the wishes of the electorate. Times are changing and views have changed. Some of the party which remained outside the Council, I mean the Non-co-operation party, themselves thought that it is high time that they should try and work their way into Council and act against this constitution inside the councils and that is why we find my friends on the opposite here. Well, their idea in entering the Council is to end this constitution. As they have changed their views, there may be some others who may have likewise changed their views and say that their idea in entering the Council is to mend the constitution. The only difference between you and some others is that you are for ending the constitution and the others for mending it. Just as you thought that by working inside the Council you may be able to end the constitution which you could not do from outside, so also there may be other persons who thought that by remaining in the Council they could not bring about any change in the dyarchy, but by entering the Cabinet the inner Government they could mend the constitution. I suppose there is that bit of charity and catholicity of opinion in you that a trial or opportunity should be given to those persons also to see if they can bring any change in the constitution by remaining within the inner circle.

Now as regards the resolution itself. As has been pointed out by many of the hon. members everybody is in sympathy with the ultimate aims of the mover. It has been declared by His Majesty himself that

Swaraj is the ultimate goal, that full responsible government should be given to all parts of India. The only difficulty as has been pointed out is as to the ways and means and as regards that my submission before you is that the present is not an opportune moment to carry this resolution to a division or conclusion. We have recently known the attitude of the Central Government, you have also seen in the papers the pronouncements made by the Secretary of State for India as well as—if I remember aright—that of the Prime Minister of England. At such a time when we know that our opinion will not carry our aim a whit further than where we are, we should not, in order to keep the dignity of the House itself, push forward such a resolution. I would commend that view of the matter to my friends on the opposite side. If my friends on the opposition benches would give me the credit I would say that I was partially responsible for having suggested to them to bring forward such a resolution in September 1924. (A voice :—" It is very kind of you.") I am very glad to see that my friends on the opposite side took up my suggestion. It did not initiate from them—I suppose Maulavi Faiznur Ali and Srijut Kamakhyaram Barua will support me—but that it emanated from myself. It was I who made the suggestion. My idea was that there will be such an amendment for accelerating the second instalment of reforms from other provinces, it is only meet and fair that such a demand should go from Assam as well. My only quarrel is with the wording of the resolution. If the wording had been couched in different terms I would have given my entire support.

Maulavi Abdul H aid has said that although the word " immediate " has been used, it will mean that some two or three years must elapse before this resolution is given effect to or before this is translated into action. Well, if that is so I should say that he has erred on the side of underestimation for he suggested that the initial stages of the reforms enquiry instituted by Mr. Montagu and Lord Chelmsford took three years—1917 to 1920, but now he has miscalculated the period or duration which the present demand would involve. He suggests that the present recommendation is to go to His Excellency the Viceroy, from him it is to go to the Secretary of State for India in Council and then the Secretary of State would move the British Parliament. The last time it was the Secretary of State in Parliament himself who started this and therefore there was so much despatch in the matter. Well, I think by the time any action is taken on this resolution we will have the Statutory Commission sitting, which will be in 1929. I therefore do not think that by passing this resolution at this stage we would be accelerating the further instalment of reforms in any way. If I could be convinced of that I would be the first person as I said to lay down the reins of office and at once vote for the resolution.

I do not think I need detain the House any further. I suppose I have made my points clear, but with the permission of the Chair I would just like to say one word to my friends from the Assam Valley. I find from the speech of my friend the hon. Rai Bahadur Amarnath Ray that the main object of some of my friends in coming to this Council is that they should carry on an agitation for the reunion of Sylhet with Bengal. I would only request my friends of the Assam Valley in the House to see whether this will not be a suicidal policy for Assam Valley specially and Assam generally.

With these words I beg to resume my seat.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :— Sir, I had intended not to speak on this resolution, but as the hon. mover was pleased to appeal to me for support I wish to state what my feelings really are. The hon. mover has said that the Ministers are the leaders of the people's representatives in the Council. That is a very high compliment to pay for which we the Ministers are truly grateful to him. But if we are really regarded as the leaders were we really consulted with regard to this resolution at all ? It might be said that when the whole of India is clamouring for responsible Government you as a Minister ought to have known that that would be the claim made here. Well, Sir, I am not the man to say that we do not desire responsible government in this country but there are resolutions and resolutions and the fight that is going on here is now over the words of the resolution and nothing else. Everybody seems to be agreed that we want responsible government. The question is, how is that to come ? Now my difficulty with this resolution has been the same as that which has been fell by other members, namely, what does it really mean ? Mr. Dowerah said that it means responsible government within a reasonable time and he interprets it as a lawyer. I have also been a lawyer all my life and I do not think that eighteen months' absence from the Courts has made my knowledge of law rusty. According to my interpretation of the resolution it does not mean anything of that sort. Then again Mr. Nichols-Roy called for light as to what the resolution meant, and I think the Hon'ble Mr. Reid also did so. Several other members who have preceded me have done so but what has been the reply ; it has been this : " Well, the resolution is there. It means what it means. If you don't understand it we are not going to help you. " Well, if that is the attitude of the hon. mover I do not know what attitude to take with regard to the resolution. When you appeal to the Ministers for help will you please take them into your confidence and tell them what really you want ? I know one thing and that is you don't want dyarchy. Well and good. Then what is it that you want next ? Is there an intermediate stage between dyarchy and full responsible government ? If not tell us please exactly what immediate steps you want to be taken for the purpose of obtaining self-government in this country. Unless you tell me that I do not know what recommendation to make to the Governor.

Now, Sir, everybody knows why there has been so much nervousness about this. Tell us plainly what it is that you want and unless you get rid of that nervousness I am afraid that we cannot help you. It has been stated that dyarchy is not a good thing. Well, Sir, I do not say that dyarchy is a counsel of perfection. I know its difficulties and limitations and probably I know them better than anybody else. But in spite of its defects and difficulties I can honoestly say that you can do a good deal. I claim that I have been able to do something and if our finances were better I am sure we could give better and more convincing proofs of our powers. But if it were a question of increasing the powers of the Ministers there is no difficulty. But that difficulty does not arise out of the resolution because the resolution says that immediate steps must be taken for the introduction of full responsible government. Now in a sense dyarchy is a step towards full responsible government. Which is the next step ? If there is to be no intermediate step between dyarchy and full responsible government then am afraid I cannot support you there. Take the case of Assam. Assam as it is constituted I am afraid is not fit for full responsible government now. I use the expression " as it is constituted " because you will find that Assam

consists of two parts, one part comprising the backward tracts and the other the plains districts Now, what about the backward tracts ? There are some ten lakhs of people in the backward tracts. Is it contended by the hon. mover of the resolution that these people who live in the backward tracts are fit for full responsible government or a parliamentary system of government by which I mean responsible government as enunciated in the Government of India Act ? Are these Nagas, Garos, Kukis and other backward hill tribes capable of representing themselves ? If not, who, I ask, are to represent them ?

If responsible government means government of the people by the people who are to govern these ten lakhs ? That is a question which has not been answered and that probably accounts for the nervousness in telling us plainly what is wanted.

My friend the Hon'ble Minister for Education has got frightened. He thinks that if we move for the re-union of Sylhet with Bengal then there will be some disaster which will befall this province. I have no fear on that score. But again that shows the difficulty of introducing full responsible government here. I am however entirely at one with my friend Rai Bahadur Amernath Ray when he says that before you think of full responsible government for Assam think of the reconstitution of the province. But if the intention of the hon. mover is to give increased powers to the Ministers then I am quite ready to vote with him. But unless he tells me what really it is that he wants I am sorry that I cannot support him. (A voice :—But the backward tracts are represented by Mr. Evans.—*Laughter*).

BABU BASANTA KUMAR DAS :—Sir, I have heard with patience all the arguments advanced both in favour of and against the resolution. I need not tell the House that I am in favour of this resolution, and I need not tell the House that I am not a believer in dyarchy.

THE HON'BLE MR. W. J. REID :—Did the hon. member say that he was in favour or did he say he was not in favour of dyarchy ?

BABU BASANTA KUMAR DAS :—I am opposed to dyarchy. I believe with many others that the dyarchy which has been established in the provinces is subject to many conditions and limitations which make the working of that dyarchy for the benefit of the people impossible. Now, Sir, I have also heard some of the speakers who are in favour of dyarchy. I do not like however to mention in details the conditions and limitation which make dyarchy impossible to be worked for the benefit of the people. Sir, those speakers who are in favour of dyarchy have also expressed their sympathy and support with this resolution. So the question whether dyarchy is workable or not does not arise. Believers and non-believers all want a substitute for the present dyarchy. Therefore we get so many supporters for this resolution. Now, what is this resolution ? It is a very modest demand. Objections have been taken with regard to this resolution on two grounds by the Hon'ble the Finance Member and also by the Hon'ble Minister Rai Bahadur Promode Chandra Dutta who has also adduced other grounds of objections, of which the objection relating to the backward tracts requires to be answered. Sir, I shall try my best to meet those objections. Answering to the objections raised by the Hon'ble the Finance Member I may say that his first objection is that he does not understand what we mean by full responsible government. His second objection is, and I also understand this

is one of the objection of Rai Bahadur Promode Chandra Dutta, that they do not understand what exactly we mean by the steps to be taken for the fulfilment of the object of this resolution. I am a bit surprised to hear the Hon'ble the Finance Member saying that he does not understand.

THE HON'BLE MR. W. J. REID :—If I may make a personal explanation, Sir, I began by saying that I did not understand the object of the resolution that I did not want to fight with shadows and that I implored the hon. mover to explain more clearly what he meant.

BABU BASANTA KUMAR DAS :—If I rightly understood him he wanted a definition of full responsible government.

THE HON'BLE MR. W. J. REID :—That is perfectly true, but that was when concluding my remarks.

BABU BASANT KUMAR DAS :—So, Sir, I proceed to give the definition of full responsible government. Now, he is one of the members who is a party to the working of dyarchy in the province of Assam. What is his idea of full responsible government ? I am surprised that he should have asked us for a definition without giving his idea of full responsible government. If he is not in a position to give us a definition then is he himself working for shadows ? Is he working for a purpose ?

THE HON'BLE MR. W. J. REID :—I said " fighting shadows, " not working for shadows.

BABU BASANTA KUMAR DAS :—Sir, I was going to say—is he working for a purpose without knowing it ? What is he working for ? What is he fighting for ? Now, the Government of India Act is, I suppose, his *vade mecum* and his guide in the matter and he should have given us the meaning of full responsible government as defined by the Government of India Act. Let us look to the preamble of the Act—Sir, he began by reading the preamble of the Government of India Act and I shall also try to answer him by reading this preamble. What does the preamble say :—(reads) " whereas it is the declared policy of Parliament to provide for the increasing association of Indians in every branch of Indian administration, and for the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in British India as an integral part of the empire." There are two good things which are mentioned in the preamble and these two things are " increasing association of Indians in every branch of Indian administration " and " development of self-governing institutions." These two things when attained will constitute self-government. In asking for full responsible government we may take this preamble and say that we want complete association of Indians in every branch of Indian administration and that we want a complete development of self-governing institutions. Complete association in every branch of administration of course includes, I submit, a complete control over all the branches of Indian administration. Now, if these are taken to be the two things to be attained then the object of the resolution will be easily understood. The steps that should be taken for the attainment of these two things will be the actions taken for the purpose. Now, Sir, in this view I ask the Government to be guided by the Government of India Act and if they guide themselves by this Act I think they will very clearly understand what the steps would mean. Then with regard to the responsible government if there be any doubt I may refer

to paragraph 189 of the Report on the Indian Constitutional Reforms, *i.e.*, the Montagu-Chelmsford Report. (Reads.) " There should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control." When we come to the provincial governments the position is different. Our objective is the realisation of responsible government. We understand this to mean (1) that the members of the executive government should be responsible to, because capable of being changed by, their constituents and (2) that these constituents should exercise their power through the agency of their representatives in the councils, etc. Now, I want them to accept this definition of responsible government and if they accept this resolution—I suppose they will be ready to accept it—there will be no difficulty in their understanding what steps should be taken. Hon'ble Rai Bahadur Promode Chandra Datta has said that there is difficulty in our way on the ground that there is a vast population inhabiting the hill tracts and he asks us what we shall do with regard to them if full responsible government be granted. I submit this is also a very easy task. That can be eliminated in a scheme for responsible government as pointed out by some speakers that territorial redistribution will have to be made and will come later on. If it is conceded that responsible government should be granted to Assam, then this will not stand in the way. There are no geographical difficulties in separating them. They can be very well separated and formed into a frontier province.

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—Self-Government in certain districts of Assam ?

BABU BASANTA KUMAR DAS :—Of course that will be so. Those certain districts will be constituted as Assam within which the responsible government is granted. We speak from the constituencies which we represent. The reforms in Assam mean that these districts have got the right to send representatives to the Council. There are also some objections taken by some other members and notably among them are the objections taken by Mr. Roffey. He says that there is no evidence before us to prove our fitness for full responsible government.

MR. ROFFEY :—I said if there was any evidence, I did not say that here is no evidence.

BABU BASANTA KUMAR DAS :—Of course here the meaning is the same "was" or "is" does not make any difference. But I submit that there is ample evidence before this House to act upon. Now, if evidence is necessary, I submit that the very desire which is being expressed is a sufficient evidence. The desire is the offspring of the sense of fitness that has grown upon us. We feel that we are fit and therefore we express the desire. One of my hon'ble friends said " was there any necessity for evidence when self-governing institutions were granted in England ?" and I also repeat this argument and ask Mr. Roffey to say whether there was any necessity for evidence when England was given self-governing institutions ? The next point urged was what are we going to do to protect the interests of the minor communities and what are we going to do for the defence of the country ? Now, Sir, I submit these are rather matters of detail, but I may assure my friends that we will take effective steps for

the removal of those agencies who are working up these differences. (Hear ! Hear !) Now, we hear of conflicting interests between the Surma Valley and the Assam Valley and we hear of interests of minorities conflicting with those of the majority. They are of recent growth. But I am sure these differences will not stand in our way of getting full responsible government. With these remarks I commend this resolution for the acceptance of the House. But, Sir, I want to finish by speaking a few words on dyarchy. I am not a believer in dyachy. The Hon'ble Rai Bahadur Promode Chandra Dutta thinks that dyarchy can be worked to the benefit of the people. I beg to ask the House whether that is so. Let us take for instance the position of the Ministers in the dyarchy. What is the position of the Minister ? This is the fourth year of the dyarchical experiment in Assam. What tangible benefit we have got by the action of the Ministers ? If we consider the constitution itself, will it not appear to this House that these Ministers are like idols we set up in our temples whom we worship in the belief that they will dispense good to us without knowing and feeling that they are really doing so. Sir, in support of my contention, *i.e.*, to show the helpless position of the Ministers I may refer the House to paragraph 222 of the Montagu-Chelmsford Report (reads). " It is our intention that the decisions of the Government should be loyally defended by the entire Government, but that the Ministers should feel responsibility for conforming to the wishes of their constituents. It is true that these two forces may pull different ways but, though the analogy is clearly not complete, there are occasions when members of a Government, and indeed members of Parliament at home, have to choose between loyalty to the Government and to their own constituents." Now, do we not find that these Ministers are choosing loyalty towards Government and not towards people !

THE HON'BLE RAI BAHADUR PROMODE CHANDRA DUTTA :—This is absolutely untrue.

BABU BASANTA KUMAR DAS :—We do not get any evidence to the contrary. We find that they are seeking loyalty towards the Government. This is the genesis of the mistrust that is being entertained against the Ministers. With these few words I take my seat.

MAULAVI FAIZNUR ALI :—Sir, when I moved this resolution I never thought that my position would be so misunderstood and that so many interpretations would be put it. I will try again to make my position clear. I moved this resolution simply as a member of this House. The desire for full responsible government or Swaraj is not the monopoly of the Swaraj party or of the people of Assam Valley (Hear ! Hear !) but of the whole country, and it is in this light that I came forward to move this resolution—not from the Swaraj point of view, or the Nationalist point of view, but from the point of view of the whole House. I hope that I will not be again misunderstood when I say that I moved this resolution as a member of this House. At the time of the framing of the resolution I never thought that so simple a word as responsible government would be misinterpreted by so many hon. members, including the Finance Member. The word.....

THE HON'BLE MR. W. J. REID :—I would rather say " not understood " than " misunderstood." I have no understanding in the matter at all.

MAULAVI FAIZNUR ALI :—Now we are living under a certain form of Government—Reformed Government—and the object of that Government according to the preamble of the Government of India Act is the ultimate realisation of full responsible Government, the Reformed Government under which we are now living is the transitional government leading to that responsible government. Now if that be the position it is easy to form a picture of what is responsible government (and the framers of the Government of India Act had certainly some clear and definite idea of what is responsible government. When they used that word they did not use it simply to be defined afterwards in any manner which any of the members liked to put into it), as that is the goal that is promised to us. After 10 years, or after 20 years, or after a generation, this responsible government, this Swaraj, will be given under the Government of India Act. His Majesty the King-Emperor used the words " This is the first instalment of Swaraj ". Certainly, His Majesty when he used these words had some idea of what Swaraj was. Someone said that even Mahatma Gandhi did not define the word Swaraj. It does not matter if Mahatma Gandhi did not define Swaraj. Even His Majesty the King-Emperor did not define the word Swaraj although he had a clear notion of what Swaraj was. It has been very clearly stated by my friends Maulavi Abdul Hamid Sahib, Babu Basanta Kumar Das, Maulavi Abdul Mazid Ziaosshams and others that by the words responsible government we do not mean anything else but what is meant in the preamble of the Government of India Act, and that is the only view that I had when I moved this resolution. Some hon. members have questioned what is behind this resolution. I can assure the House that I have nothing behind this resolution. It does not follow that because I am a Swarajist or because I am wearing a Gandhi cap that I have some sinister motive behind this resolution, and that after the resolution is carried I will come forward with some (I do not know what to say) in order to carry out my sinister motive in this House. Certainly, I have used the word simply as it is used in the preamble of the Government of India Act, only and in placing the resolution before the House I am simply voicing the unanimous opinion of the whole people of Assam. (Hear ! Hear !) My arguments are these that from the Government of India Act it is very clear and that the Reformed Government is only a transitional phase through which we are passing in order to attain the goal. Now this transitional phase, this form of government which has been framed for the transitional period, is known by the name of dyarchy. Whether this dyarchy has been a success or a failure we are not concerned with.....

MR. E. S. ROFFEY :—Very much concerned.

MAULVI FAIZNUR ALI :—One of my friends has said that dyarchy has been an immense success. If it is so I submit that it is all the more reason why we should have immediate responsible government. I have already quoted the words of Srijut Madhusudan Das of Behar as to what is the position of a Minister under the dyarchy. If dyarchy is successful then we are fully prepared for full responsible government. Many eminent people like Chintamoni, Jagatnaram, Horkisenlal, besides Madhusudan Das and Provas Chandra Mitter, have condemned dyarchy as unworkable. Now the question is if this dyarchy is a failure or if dyarchy is unworkable or

unsatisfactory, should it remain as it is or should it end. That is the question before the House. If we are to put an end to it whether we are to change for the worse or go for something better. If we are to go for something better the only remedy left to us is that we should be at once granted full responsible government.

Another objection has been taken as to what is meant by immediate steps, etc. It does not mean that if immediate steps are taken to bring about full responsible government it will be like a parcel tied in a piece of cloth given to be swallowed by us at once, but that only steps should be taken without further delay. It is a simple request to the Secretary of State and the Governor-General in Council that for responsible government in Assam steps are to be taken. Certainly I know that the Local Government has no power to hand over responsible government to us. By immediate steps I mean that instead of waiting for the year 1929 the Secretary of State for India and the Governor-General in Council should at once take steps to grant us responsible government.

Some questions have been raised by some of the hon. members as regards our fitness for responsible government. I do not know what is the opinion of the other hon. members of this House. At least I do not think that any of the other hon. members question our fitness.

THE HON'BLE MR. W. J. REID :—I did not question the fitness of anybody.

MAULAVI FAIZNUR ALI :—I thank you for this pronouncement, that at least as a representative of the Government you did not question our fitness.....

THE HON'BLE MR. W. J. REID :—I said that the argument about fitness or unfitness was one which I on behalf of Government did not employ. I never mentioned the question of fitness.

MAULAVI FAIZNUR ALI :—I believe some members raised this question. I believe Mr. Roffey mentioned it.

MR. E. S. ROFFEY :—Yes, I did.

MAULAVI FAIZNUR ALI :—My reply to Mr. Roffey will be that if we are not fit the fault lies with the British people and the British Government. We have been under the British Government for over 150 years. The Nepalis, the Afghans, the Irakis, the Hedjazis have been granted full responsible government by the British Government. Are we even more backward than the Nepalis, the Mesopotamians, etc.? If we are, then the responsibility lies with the British Government and not with ourselves. But the very fact that at the present moment out of the four members of the Government occupying the front bench three are Indians, and only one European, and the Hon'ble Mr. Reid can I think be also replaced by anybody—in this House (Hear ! Hear !) is a proof that we are quite ready for full responsible government. I may also mention incidentally that during the war many of the subdivisions have been held by Indians, and some of the districts also, and that many Indian officers held the posts of Superintendents of Police and Civil Surgeons—I do not remember all their names—If any one goes through the administration reports he will find that every one of these departments has been very efficiently managed by these officers in spite of difficulties and war conditions. And if this is not enough for responsible government I cannot understand what is.

Now it has been suggested that there are communal differences, the question of two valleys, etc. If dyarchy has been able to solve these problems there is no reason why we should not be able to solve them also. The question of communal differences was I think raised by Mr. Roffey. I think when he raised it he had in mind the Punjab and Madras. Well here in Assam there is no communal difference, and the two communities have been living very peacefully. The very fact of my being appointed a leader of this party shows this.

A question has been raised as regards the re-union of Sylhet with Bengal. Of course if Sylhet wants to go to Bengal then Sylhet may go to Bengal but, still Assam will remain, and would not Assam be granted full responsible government after ten years when full responsible government is promised to us. Does he mean to say that if Sylhet is taken away from Assam then after ten years, in 1929 or 1930 when the second instalment of reforms will be granted Assam will be excluded from it. At least I could not understand the meaning of this. There have been so many speakers on the subject that I need not reply to all of them. Then the Hon'ble Minister Rai Bahadur Promode Chandra Dutta made a remark that he has not been consulted by me at the time of framing this resolution. It was because this resolution had to be sent in as he knows three weeks before the sitting of this Council. In any case when this resolution came up he could have, if there was anything wrong, at once come forward with his amendment and I would have gladly accepted that amendment if it recommended itself to the sense of the whole House. The Hon'ble Minister has raised another question of the backward tracts. Of course that question has already been answered by my friend Babu Basanta Kumar Das and I will make the same reply as regards the other questions of communal differences, minorities, etc. If dyarchial form of Government is able to solve these problems I feel responsible government also will be able to solve these questions as satisfactorily if not more satisfactorily. The Hon'ble Maulavi Saadulla has said that this very resolution has been suggested by him. Of course I may tell the House that at Gauhati when we all met together we had in comtemplation whether such a resolution will be allowed to be moved or not because we saw that such a resolution had been disallowed in the Bengal Council. It was never our intention that such a resolution would not be moved in the Council, but we were hesitating whether this resolution would be allowed or not in view of the fact that this resolution was disallowed in Bengal. While we were in this state of hesitation the Hon'ble Maulavi suggested to us whether the Government accepted this or not we must press this resolution, and that is the fact. That is what he meant. The Hon'ble Maulavi Saadulla also said that he is in full sympathy with the spirit of this resolution. Only the difference is about the wording of this resolution. I would have been very much obliged to him if he had suggested the wordings even now, so that I could have considered whether I should amend my resolution in accordance with his suggestion. But I am sorry, Sir, that he did not make any suggestion to this effect. I do not understand what the Hon'ble Maulavi meant when he said that the present is not the proper moment for moving the resolution because the Secretary of State and the Prime Minister have made a pronouncement that responsible government cannot be granted at this stage. I do not understand the logic of this argument. Because the Secretary of State or the Governor General or the Prime Minister is not willing to accede to the people I

do not see any reason why we should not press this demand. If we do not press this demand would the Secretary of State and the premier come forward and voluntarily give us self-government. Did Ireland get self-government voluntarily from the British Government, did South Africa or any of the Colonies get self-government voluntarily from the British Government ? Certainly not, I believe. Because they demanded therefore they obtained. We also demand with the hope of getting. One gentleman spoke as regards the economic distress brought about in this country and that they are due to the reforms. The Hon'ble Mr. Smiles remarked that the rise in the expenses in the various spheres of life was not due to the reforms. Now, I do not understand this. Now so far as I know postage stamps have been doubled in price, post cards have been doubled in price, the price of salt has been increased, the price of kerosine oil, umbrella, fuel, etc. (A voice " And tea."). Yes, and tea and all these have been raised on account of the indirect taxations. I do not understand that the raising of the prices of these articles was not the indirect effect of the taxation that was laid on the country by the Assembly or rather I should say the Government of India. Was not registration fee increased, was not the stamp duty increased by this very Council, was not the grazing tax also increased.....

THE HON'BLE MR. W. J. REID :—No, Sir. The late Council had nothing to do with any increase in the rate of grazing tax.

MAULAVI FAIZNUR ALI :—The grazing tax was increased by the Government.

THE HON'BLE MR. W. J. REID :—I was going to say that it was before the War, Sir, that the increase in the grazing tax came about. I am not perfectly certain about that, but it was certainly several years ago.

MAULAVI FAIZNUR ALI :—Very well, I withdraw it. At least that was my idea. All this increase in the expenses of the daily necessities of life was brought about by the reformed government. What I mean is therefore that the masses of our people, and they form I believe about 86 per cent. of our population, educated or uneducated, of our country, understand the Reforms only in the light of their practical effects that they feel in their every day life. The only blessing perhaps that the Reforms have conferred upon these people, namely, the 86 per cent. of the people is that once after three years they have the pleasure and pride of being approached by a number of candidates who wish to represent them in the Council, and once in every three years they have to go to the polling booth to record their votes. That is the only blessing perhaps which the reformed government have conferred upon them. Otherwise all the necessities of life including such articles as kerosene oil, etc., have been increased in price on account of this reformed administration in which it was found that the revenues the people paid were not sufficient to keep up this top-heavy administration. That is of course what I meant. I think I have touched on all the points and now I appeal once more to the hon. members of this House to support this resolution and I appeal to them that as representatives of the people they have a very heavy duty to discharge. As one of my friends has expressed, they are here to voice the opinions of their constituencies. I ask them to plainly and clearly state, is there not a demand for Swaraj or full responsible government for

the province of Assam and if there is such a demand I hope all the members will voice this opinion and support this resolution.

THE HON'BLE MR. W. J. REID :—I am afraid, Sir, I am too old a hand at the game to be led into following side trails. I have listened with interest to the discussion, but have no intention of offering the Council any observations about the union or disunion of Sylhet with Bengal, or the fitness or unfitness of the people of Assam to furnish Ministers, to furnish people to take my place or to do anything else. Equally, I am not going to follow the member, I think it was Babu Basanta Kumar Das, who said that after all it was for me to understand what is meant by responsible government ; it was not for him. Sir, I am sure he is too good a lawyer to argue that it is for the plaintiff to put in as his plaint a piece of blank paper and leave it to the defendant to make out what it is that the plaintiff really wants. Still less, Sir, am I going to be led into following the hon. mover of the resolution through his final eloquent peroration about the fitness or unfitness of the people, about other countries, about how Ireland and South Africa got their freedom, not even about the wails of the humble tax-payer to whose distress the high price of petrol has contributed. He said all these things, but they all lead far away from the subject of immediate steps to establish full responsible government in Assam.

Well, Sir, I asked certain questions at the beginning with no intention of embarrassing the hon. mover—he will, I know, believe me when I say that—but in the hope of clearing up the position. And closely as I have listened to the debate I confess the position is still not clear to me. In all my experience of debates on resolutions I have never before known the stage reached when the last address was being made to the Council with members still uncertain of the precise issue on which they were asked to vote. To recall briefly what we have heard, we were told that we should vote for the resolution because it is in accord with the principles of the Government of India Act and because it only means going ahead on the lines of the Act. We were told that immediate steps might be taken provided those immediate steps were consistent with the period laid down in the Act. On the other hand I obtained from the hon. mover the definite statement that he was from the first convinced that the Reforms have been a sham and a failure, that after three years' trial he is more convinced than ever. He will readily admit that he at least gave them no trial during these three years. One member said he would vote for the resolution because it asked for advance after the time limit which has been laid down in the Act. On the other side we were told that far too much time has been lost already, that the time has come when the present system of Government must be ended and when for it must be substituted full responsible government. Well, Sir, here is a clear issue, if that is indeed the issue. Still we were told that the resolution should be supported because diarchy had proved so utter a failure. We were told that it should be supported because diarchy had been so great a success. Another hon. member told us—I did not take him seriously—that we may as well support the resolution. He said :—" What is the resolution but an expression of opinion ? It commits the Council to nothing ! " I, Sir, should never have dared to make such a suggestion to the Council. I take the Council much too seriously to suggest for a moment that any expression

of its opinion is to be lightly regarded or brushed aside. We are clearly at the parting of the ways. The hon. mover has told us that this is his individual resolution, that it is not a resolution moved by the Swaraj party, that it is not a resolution moved by the Nationalist Party. At the same time I rather gathered from words that fell from him at another time that the resolution had been discussed and adopted at a meeting of the party. I think he told the Hon'ble Minister that he could not communicate anything about it earlier because at that time he was not.....

MAULAVI FAIZNUR ALI :—The party was not formed at that time.

THE HON'BLE MR. W. J. REID :—I hope the hon. member will correct me if I go wrong. I am most anxious not to misrepresent him in any way. He says the party was not formed, but at all events I certainly gathered from his remarks that this resolution had been discussed by the party and had been adopted by the party.

MAULAVI FAIZNUR ALI.—The party was not formed. There was an informal gathering to form the party.

THE HON'BLE MR. W. J. REID :—Very well, I will put it in another way. I paid a tribute, a genuine tribute at the beginning of my speech to the sincerity of the hon. member. I know him well. He has said, he has been quite frank about it, that he wishes to see this form of government abolished. One of his supporters—I do not want to hold the hon. mover too closely to account for what all his supporters say ; but this one said :—' What we want to do is to recast the Government of India Act entirely and amongst other things to do away with certification, to abolish the emergency powers of the Governor.' Well, Sir, that is plain speaking and if it correctly states the position we understand where we are. Does the resolution intend that steps should be taken within or without the Act? From what I understood the hon. mover to say he meant without the Act, that the Act having proved a failure we would have to abolish it, that we were no longer to proceed on the lines of orderly gradual progress laid down by the Act, but that we were to insist on a new Act being brought in and passed as speedily as possible. That I take it is the hon. mover's position ? (*A pause*).

I take it, Sir, that if this resolution is put to the vote and carried the hon. mover will treat the result as a triumph for those views he has put forward ? They are views that we heard formerly outside the Council but have not yet heard inside it, that no one would work the Government of India Act or co-operate with the Government in working it, or permit anything to be done under it at all, that they would make it impossible to work. Is this the issue before the Council ? (A voice : No, no). If so, let each member consider carefully before he records his vote. If on the other hand the intention of the resolution is merely that we should signify to the Secretary of State through the proper authorities that the people of Assam have been working this Act for three years, that they are quite prepared to go on working it, that they will do their best to show their fitness—I use the word in the strict sense in which Parliament used it—for further developments, that they would be glad if things could move a little more rapidly than they do at present, that Sir, is a very different resolution. (A voice : That is the idea). But I think that before we vote

we must have a clear indication as to which is the issue on which we are to vote. (*A pause*) I cannot, Sir, compel the hon. mover to speak if he declines to do so, but it is obvious that the resolution has two possible meanings. If we vote in this state of uncertainty I have placed the two possibilities beofre the Council—will the result no matter what it may be carry any clear guidance, any conviction to any sensible persons inside or outside this Council ?

MAULAVI ABDUL HAMID :—Sir, I should like to know what is the procedure of this Council. The procedure that we are familiar with outside this Council is that the mover of the resolution moves a resolution and by his reply the debate is concluded.

THE HON'BLE MR. W. J. REID :—Under our rules, Sir, the member of Government in charge has the last word. If the hon. mover wishes to answer these plain questions I have put to the mover of the resolution I have no objection. (*A pause*).

SRIJUT SADANANDA DOWERAH :—We are not concerned with the motives of the mover of the resolution, we are merely concerned with the wording of it. We do not want to know what is his intention or what prompted him to move this resolution. The resolution is there and we want to vote on it, but before doing so, I thought the mover wanted to ask the Government benches whether they would accept the resolution with any amendment. May I also ask the hon. mover if he is prepared to alter the word "immediate" for the word "early."

THE HON'BLE MR. W. J. REID :—Very well, Sir. The hon. mover declines to relieve our uncertainty and therefore I must warn the Council —it may be that the intention is not as I have construed it, but it is a possible intention—that we are to vote whether we are going to carry on under the Government of India Act and make the best of it, or whether we are going to declare with what used to be known as the non-co-operation party that we will have none of the evil thing, that we will obstruct in every way, that we have come into the Councils merely to make them unworkable. We have not yet had any declaration that this is the intention of any members of this Council, and I should not have suggested it had it not been suggested by another member. There is, I admit, the possibility that the resolution is merely a pious expression of opinion that we should be glad to go a little faster than we are going at present, always within the safe and certain limits of the Act. But I am bound to warn the Council that the result of their vote may be taken by some to be the endorsement of the more dangerous proposition. Uncertainty about the verdict of the Council there must be. I am sure that no one will contradict me when I say that the concluding words of the hon. mover's speech were a definite out and out attack on the Reforms and the system of reformed Government.

There is one minor point to which I ought to reply. The hon. mover drew my attention to the fact that he is wearing what he called a Gandhi cap. Had he not done so I should not have dreamed of alluding to the dress of any person in this Council. I imagine that every one here in dressing himself for the Council is actuated by precisely the same motives as myself. They are to dress in such fashion as to show the utmost respect in our attire for this august assembly of which we all have the honour to be members

*The motion was put and a division was taken with the following result:—*

Ayes—29.

1. Babu Basanta Kumar Das.
2. Rai Bahadur Bepin Chandra Deb Laskar.
3. Baja Biraj Mohan Dutta.
4. Srijut Bishnu Chandra Borah.
5. Babu Brajendra Narayan Chaudhuri.
6. Babu Gopendra Lal Das Chaudhuri.
7. Rai Sahib Har Kishore Chakrabatti.
8. Srijut Khagabhvaram Barnah.
9. Srijut Kamal Kanta Das.
10. Babu Krishna Sundar Dam.
11. Babu Kshirode Chandra Deb.
12. Srijut Kuladhar Chaliha.
13. Srijut Mahadeva Sarma.
14. Srijut Padmanath Sarma.
15. Srijut Rohini Kanta Hati Barua.
16. Srijut Sadananda Doloi.
17. Srijut Sarveswar Barua.
18. Mr. Taraprasad Chaliha.
19. Maulavi Abdul Hamid.
20. Maulavi Abdul Hannan Chaudhuri.
21. Maulavi Sayed Abdul Mannan.
22. Maulavi Dewan Abdul Rahim Chaudhuri.
23. Maulavi Abdul Mazid Ziaosshams.
24. Khan Bahadur Alauddin Ahmed Chaudhury.
25. Maulavi Faiznur Ali.
26. Maulavi Mafizuddin Ahmed.
27. Maulavi Muhammad Mudabbir Hussain Chaudhuri.
28. Maulavi Najmul Islam Chaudhury.
29. Maulavi Rashid Ali Laskar.

Noes—17.

1. Hon'ble Mr. W. J. Reid.
2. Hon'ble Khan Bahadur Kutubuddin Ahmad.
3. Hon'ble Rai Bahadur Promode Chandra Dutta.
4. Hon'ble Saiyid Muhammad Saadulla.
5. Mr. J. E. Webster.
6. Mr. A. W. Botham.
7. Mr. G. E. Sommes.
8. Mr. O. H. Deseane.
9. Mr. J. R. Cunningham.
10. Srijut Nilmoni Phukan.
11. Srijut Siva Prasad Barua.
12. Mr. M. H. Clarke.
13. Rev. J. C. Evans.
14. Mr. E. S. Roffey.
15. Mr. W. D. Smiles.
16. Mr. D. S. Withers.
17. Khan Bahadur Abul Fazl Ahmad.

*The ayes being 29 and Noes 17, the motion was adopted.*

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